
LIBRARY
18 APR 1962
STATE LEGISLATURE, MADRAS

THE MADRAS LEGISLATIVE COUNCIL

Monday, 28th August 1961.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I. EXPRESSION OF SORROW AT THE DEMISE OF SRI A. VEDARATHNAM PILLAI, A MEMBER OF THE LEGISLATIVE ASSEMBLY.

MR. CHAIRMAN : It is with regret that I have to report to the House the sad news of the sudden demise of Sri A. Vedarathnam Pillai, a Member of the Legislative Assembly, on the 24th August 1961 at Madras. The late Sri Vedarathnam Pillai took active and prominent part in the struggle for Indian Independence and suffered imprisonment several times. The heroic part played by him in the Salt Satyagraha Movement in 1930 and his participation in the historic march from Tanjore to Vedaranyam in this connection constitute a bright chapter in the history of the Indian struggle for Independence. He served the Indian National Congress devotedly in various capacities for over three decades. He was the founder manager of the Kasturba Gandhi Kanyagurukulam and Thaymanavar Senior Basic School at Vedaranyam. He was a Member of the Madras Legislative Assembly from 1937 to 1952 and again from 1957 till his untimely death.

Simple and saintly, the late Sardar Vedarathnam Pillai as he was called had a high sense of duty and it is sadly significant that he died in harness. In his death, Tamilnad has lost a staunch Congressman, a true patriot and a constructive worker.

I request hon. Members to stand in silence for a few minutes as a mark of respect to the deceased.

Accordingly, the Members stood in silence for a few minutes.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Performance of archanas

* 5 *S.N. Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether the Government have agreed to the performance of archanas in Tamil; and

(*b*) if so, why?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) & (*b*) The Home Minister told a deputation headed by Kunrakudi Adigalar, who met him, that without any prejudice to the rituals and modes of worship that have been in vogue in the temples, selected

verses from the 'Tirumurai' may be recited at stated hour in the mornings and evenings as Tirumarai archanai for the benefit of those who desire to participate in it.

DR. A. SREENIVASAN: May I know, Sir, whether any devotee has been prevented so far from reciting the hymns in whichever language he liked?

THE HON. SRI M. BHAKTAVATSALAM: In reciting the hymns, the place is the main question. In the sanctum sanctorum only the priest recites. It is not any devotee that recites there. The Archaka does it according to the established practice.

DR. A. SREENIVASAN: I am not talking about archana. The Hon. Minister mentioned about Tirumarai. Tirumurai is nothing but a hymn in praise of God. Even today are not people reciting the hymns in all parts of the temples without any let or hindrance?

THE HON. SRI M. BHAKTAVATSALAM: That is a different thing. Here as a mode of worship, the proposal is that Tirumurai may be recited, selected verses that would suit the occasion, at a particular hour, when those who are interested in it and want to participate in it may be present and participate in it.

SRI K. BALASUBRAMANYA AYYAR: Is it not a fact, Sir, that in the Tirumurai verses there is the expression 'Potri, Potri' which give fairly the names of Gods in praise of them and they will be as efficacious and useful as names of Gods in any other language?

THE HON. SRI M. BHAKTAVATSALAM: Yes, Sir, that is exactly the proposal. The selected verses would be recited at the stated hour.

DR. A. SREENIVASAN: I would like to know whether the Archana is nothing but a Namavali and, therefore, very often the Namavali cannot be translated into pure Tamil to give the same effect?

THE HON. SRI M. BHAKTAVATSALAM: I agree with the hon. Member and there is no question of translation according to this principal.

Malaria Surveillance

* a 257 *Q.*—DR. A. SREENIVASAN: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether there is any Malaria surveillance in the State; and

(*b*) if so, what is its nature?

Questions postponed from the list of question for 24th August 1961.

28th August 1961]

THE HON. SRI M. A. MANICKAVELU : (a) Yes, Sir.

(b) A statement[a] is placed on the table of the House.

DR. A. SREENIVASAN : What are the qualifications of these people appointed by the Government to do the malaria surveillance survey?

THE HON. SRI M. A. MANICKAVELU : Some basic qualifications are needed to do this surveillance work. Over and above these there are surveillance inspectors who have a greater knowledge for the purpose of inspection.

DR. A. SREENIVASAN : Is it not a fact that these people simply go from house to house to find out if any people in the house suffer from fever? Does the Hon. Minister know that there are different kinds of fevers and are these people competent to find out whether the people suffer from malaria or any other fever?

THE HON. SRI M. A. MANICKAVELU : Yes, the work of these people is to go from house to house and find out whether people are suffering from fever. Then, if they think it is because of malaria, they take blood and examine it and if it is confirmed, then only they proceed further. It is first decided whether the fever is malaria fever or any other.

DR. A. SREENIVASAN : I do not want to trouble the Hon. Minister on technical things because he is a lay person. But is it not a fact that a blood test alone cannot reveal whether a person is suffering from malaria or not?

THE HON. SRI M. A. MANICKAVELU : Anyway, we are adopting this arrangement to find this out. This has been given by experts and experts sometimes differ and we laymen are at their mercy.

DR. A. SREENIVASAN : Quite right. But there are technical advisers to the Hon. Minister who must know that ordinary blood smear examination will not reveal the existence of malaria in the person. It is a very elaborate method and it is not possible to do it in the house of the person.

THE HON. SRI M. A. MANICKAVELU : It is not done in the house of the person. Blood is taken to the laboratory and it is examined there by the officer in charge of malaria eradication. An expert officer of the Government of India from Delhi came over here and he toured round the State. He has said this is the best arrangement made in the whole of India.

VIDWAN T. MUTHUKANNAPPAN : கொசுக்களால் உண்டாகும் மலேரியா தவிர (filaria) யானைக்கால் போன்ற வியாதிகள் பரவுகின்றன. ஆதலால் இத்தகைய வியாதிகளையும் கண்டறிந்து அவற்றைக் கட்டுப்படுத்துவதை இந்தத் திட்டத்தில் சேர்த்துக் கொள்வதைப்பற்றி யோசிக்கப்படுமா?

---

[a] Printed as Appendix I on page 155 infra

[28th August 1961

THE HON. SRI M. A. MANICKAVELU : இந்தத் திட்டத்தில் இல்லை. அதற்கு வேறு திட்டம் இருக்கிறது. இது filaria 'எம்' ஐ 'எஃப்' ஆக்கவேண்டும்.

T.B. Sanatorium at Cuddalore

* a 258 *Q.*—SRI M. ETHIRAJALU : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Government have given any aid to the T.B. Sanatorium at Cuddalore ; and

(*b*) if so, the details thereof ?

THE HON. SRI M. A. MANICKAVELU : (*a*) Yes.

(*b*) A non-recurring grant of Rs. 36,000 for the construction of certain buildings and the provision of water supply, etc. and a recurring maintenance grant of Rs. 20,000 per annum on a net cost basis have been sanctioned.

SRI M. ETHIRAJALU : சார், தென்னாற்காடு ஜில்லாவில் இந்த க்ஷயரோக ஆஸ்பத்திரிக்காக பொதுமக்கள் பணம் சுமார் 2½ லட்சம் ரூபாய் செலவில் கட்டப்பட்டது. அந்த ஆஸ்பத்திரி தனியார் துறையில் இருப்பதால், போதுமான இடவசதி இருந்தும், க்ஷயரோகம் பிடித்தவர்களுக்கு சிகிச்சை செய்ய முடியாத நிலைமையில் இருப்பதால் அதைக் கமிட்டியார், சர்க்காரே எடுத்து நடத்த வேண்டுமென்று தீர்மானம் போட்டிருக்கிறார்கள். சர்க்கார் அதை எடுத்து நடத்த முன்வருமா ?

THE HON. SRI M. A. MANICKAVELU : திட்டம் சரியாக வகுக்காமல் இருக்கிறது. பணத்தை எல்லாம் செலவு செய்த பிறகு சும்மாவே அந்தக் கட்டிடம் இருந்தது. பின்னால் பார்த்த போது 2½ லட்சம் போட்டும் வீணாகிறதே என்று அரசாங்கம் முன் வந்து இந்தமாதிரிப் பணம் கொடுத்து அதை ஆரம்பிக்கிற நிலைமையை ஏற்படுத்தியிருக்கிறது. ஆகையினாலே இன்னும் இருக்கிற நிலைமையைப் பார்த்தால், கடைசியில் கவர்ன்மெண்டே அதை எடுத்துக்கொள்ளும் நிலைமை ஏற்படும் போலிருக்கிறது.

All-India Medical Conference

MR. CHAIRMAN : As the hon. Member Sri Mohamed Raza Khan is not in his seat, the question and the answer there to will be printed in the official report of the proceedings.

* a 262 *Q.*—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether it is a fact that the Director of Medical Services has issued a circular to all medical officers in the City of Madras to report whether they attended the All-India Medical Conference held at Madras on 16th January 1961; and

---

* a postponed from the list of questions for 24th August 1961

28th August 1961]

(b) whether any instruction has been issued that permission must be obtained to attend such conferences?

THE HON. SRI M. A. MANICKAVELU : (a) The Director of Medical Services called for a list of Medical officers who attended the Conference without obtaining the permission of the Government.

(b) Under Government Servants' Conduct Rules, permission of the Government is necessary for attending such Conferences.

Diarrhoea

* [a] 263 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Revenue be pleased to state— 3-10 p.m.

(a) whether the taluks of Polur, Chengam, Tiruvannamalai and Wandiwash in North Arcot district were affected with a peculiar disease in the months of January and February, 1961; and

(b) if so, what it was and the relief and preventive measures taken in this regard?

THE HON. SRI M. A. MANICKAVELU : (a) Yes, Sir.

(b) Diarrhoea with or without vomiting. The public health and medical staff posted to the area are doing inoculation, disinfection, chlorination of water sources and giving treatment to patients.

SRI T. P. SRINIVASAVARADAN : This disease is prevalent in four or five taluks for the past four or five months. May I know whether the doctors were of the opinion that it was a contagious disease?

THE HON. SRI M. A. MANICKAVELU : This disease broke out as a result of the heavy rains in October 1960 and it occurred in some taluks in the North Arcot District and in some taluks of the South Arcot District. The cause for the disease has not been exactly fixed. Yet a similar outbreak occurred in 1940 with all the symptoms that are occurring now. It is inferred that it is due to some form of bacillary dysentery, due to the possibility of infection by flexner group. It is one of the types. This is only a surmise drawn from what occurred in the year 1940. We have not yet exactly fixed the reason for it.

SRI T. P. SRINIVASAVARADAN : Sir, is it a fact that it is due to the consumption of groundnut cakes, as stated in the papers? May I know how many died of this disease?

THE HON. SRI M. A. MANICKAVELU : Whether the consumption of groundnut cakes is the cause, is all the layman's surmise. Because, even in areas where people have not consumed

---

a Question postponed from the list of questions for 24th August 1961.

groundnut cakes, it has occurred. So, we cannot say that it is due to that entirely. Now, as regards the dead, these are the figures :—

North Arcot—

Wandiwash—311.

Chengam—6.

Polur—14.

Arni—32.

Tiruvannamalai—167.

Cheyyar—1.

South Arcot—

Vriddachalam—134.

Kallakurichi—362.

Tirukkoilur—48.

Villupuram—20.

DR. A. SREENIVASAN : May I request the Hon. Minister to ask his medical officers to find out why this bacillary dysentery has not been controlled, and why so many people died in spite of our having . . .

MR. CHAIRMAN : This is not a supplementary question.

DR. A. SREENIVASAN : There is a specific therapy for this. Why was this specific Flexner therapy not applied in these cases, which would have prevented the deaths?

THE HON. SRI M. A. MANICKAVELU : It is only after going deeply into the causes, we have finally come to a sort of surmise that it may be Flexner group. In the beginning it was considered whether it could be due to the consumption of groundnut cakes. But people were taking *murukku* and *vadai* and all that and we were unable to say what it was due to.

DR. A. SREENIVASAN : May I request the Hon. Minister to find out from his medical officers whether they found any anti-toxins in the blood of these people who suffered from this diarrhoea, if it was deemed to come under the Flexner Group?

THE HON. SRI M. A. MANICKAVELU : A team was sent out for investigation to the Pasteur Institute. When the final report comes, I will be able to give the answer.

Confidential reports

* 264 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether there are any regulations regarding confidential reports of Government servants and, if so, what they are; and

28th August 1961]

(b) whether it is a fact that innumerable confidential reports have been prepared by Government Officials about the subordinates without any proper verification and proof?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) Instructions have been issued that confidential reports should give a fair and complete picture of the Officer reported on and touch on his merits and defects. Where an adverse opinion is expressed, the reason should as far as possible be stated, and the statement substantiated. All adverse remarks are generally communicated. The Government servant has a right of appeal against the adverse remarks.

(b) No.

DR. A. SREENIVASAN : Sir, is it a fact that on a number of occasion, the Government servants are harassed unnecessarily because of the adverse remarks in their confidential sheets? Till the time of their promotion, these adverse remarks are not made known to the Government servants, who have to succumb to the adverse remarks in their confidential sheets.

THE HON. SRI R. VENKATARAMAN : There was some complaint like that in the past. But now definite instructions have been issued that the confidential reports should be written up every six months, and this is being done for the last two or three years.

DR. A. SREENIVASAN : If such cases have arisen, will the Hon. Minister discount those conndential reports whenever they come to his notice?

THE HON. SRI R. VENKATARAMAN : It depends upon the circumstances of each case. A confidential report is not binding on the authority who decides the question. It is only a guide. Therefore, there is no question of discounting confidential reports.

VIDWAN T. MUTHUKANNAPPAN : மேலதிகாரிகள் எழுதும் புகார்கள் வேண்டுமென்று, பகை, வெறுப்பு காரணமாக எழுதப் படுகின்றன என்று நிரூபிக்கப்படுமானல், அவர்கள் மீது ஏதாவது நடவடிக்கை எடுக்கப்படுகிறதா ?

THE HON. SRI R. VENKATARAMAN : அவர்கள் செய்தது தவறு என்பது அதனல் ருசுவாகும். தவறு செய்தால், அதற்கு எப்போதும் நிவாரணம் இருக்கிறது.

State Transport

* 265 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that the conductor of the State Transport bus No 21-B which left Parry's Corner at 7-30 p.m. on 28th January 1961 demanded that the passengers going to Santhome should pay 22 nP. as he had run short of 19 nP. tickets; and

[28th August 1961

(*b*) whether it is a fact that he also collected 22 nP. instead of 19 nP. from some passengers?

THE HON. SRI R. VENKATARAMAN : (*a*) & (*b*) Yes, Sir.

SRI T. P. SRINIVASAVARADAN : Sir, what action has been taken against the conductor?

THE HON. SRI R. VENKATARAMAN : Disciplinary action has been taken against that conductor.

SRI T. P. SRINIVASAVARADAN : When the conductor said that he had only 22 nP. tickets and no 19 nP. tickets, some of the passengers had only 19 nP. and not 22 nP. they had to walk the distance from the Queen Mary's College to Santhome. Are the Government aware of this?

THE HON. SRI R. VENKATARAMAN : The Government imagine that such a thing might have happened. We have no definite information. But this is certainly a lapse on the part of the conductor, and definite action has been taken against him.

Music teachers

* 266 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the Government have received any representation from Music teachers in the service of the Thanjavur District Board about their discharge from service; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) No general representation from Music teachers in the service of the Thanjavur District Board has been received. An appeal to Government in a particular case was received and suitable orders have been passed thereon.

SRI G. KRISHNAMOORTHY : Sir, is it a fact that a qualified music teacher was treated as unqualified by the District Educational Officer and the Director had to intervene and say that she was qualified?

THE HON. SRI C. SUBRAMANIAM : I have already stated that in one particular case there was a representation and that suitable orders have been passed. I do not think individual cases could be taken up during question time.

Higher Grade teachers

* 267 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of higher grade teachers in elementary schools ousted as a result of the appointment of secondary grade teachers to teach English in Standard V; and

(*b*) the steps taken to absorb them?

28th August 1961]

THE HON. SRI C. SUBRAMANIAM : (*a*) 114 teachers, Sir.

(*b*) 103 teachers have been absorbed in various schools. The whereabouts of five teachers are not known. The remaining six teachers did not apply to the officers of the Education Department for absorption in other schools.

S.S. High School, Konapet

* 268 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state :

(*a*) whether the Government have received any representations from the teachers of S.S. High School, Konapet, Tircuhirappalli district, about the notices of termination of their services served in May 1960 ; and

(*b*) if so, the action or proposed to be taken thereon?

THE HON SRI C. SUBRAMANIAM : (*a*) No, Sir.

(*b*) Does not arise.

Cycle-rickshaws

* 269 *Q.*—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) the number of unlicensed cycle-rickshaws traced in the City of Madras during 1959–60; and

(*b*) the action, if any, taken against the owners of the unlicensed cycle-rickshaws?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) The number of cases charged against unlicensed cycle-rickshaws traced in the City during 1959 and 1960 are 1,304 and 2,076 respectively.

(*b*) The owners of those unlicensed cycle-rickshaws were prosecuted in Courts under the Madras Hackney Carriage Act, 1912.

SRI K. BALASUBRAMANYA AYYAR : Have steps been taken to license them hereafter? I find that they are a great nuisance to the motor drivers. Most of them are inexperienced, and they get into difficulties. Yesterday an accident occurred near my house. I would like the Government to take steps to restore the licences.

THE HON. SRI M. BHAKTAVATSALAM : Licensing of cycle-rickshaws has been restricted according to the policy that has been settled and we do not want to encourage more of cycle-rickshaws. We do not grant any licences to new cycle-rickshaws to substitute those that go out of work. We do not issue licences to new cycle-rickshaws. Therefore, we cannot license all these new cycle-rickshaws. We can only take action against the plying of these unlicensed cycle-rickshaws.

[28th August 1961

Madras State Foodgrains Merchants' Association

* 270 *Q*.—Sri T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether any representation has been received by the Government from the Madras State Foodgrains Merchants' Association with any request to recommend to the Railway Administration to give high priority for wagons to bring 600 tons of rice from Orissa, purchased by the Madras State merchants; and

(*b*) if so the action taken or propsed to be taken thereon?

The Hon. Sri M. BHAKTAVATSALAM : (*a*) Yes, Sir.

(*b*) The Government of India in the Ministry of Railways and the Chief Operating Superintendent, South-Eastern Railways, were requested to give special priority for the movement of rice and paddy purchased by the merchants of this State from the levy stocks of the Government of Orissa. The Chief Operating Superintendent, South Eastern Railway, has informed this Government that arrangements have been made to allot 10 wagons per day Ex-Orissa Stations to South India subject to availability of suitable empties.

Sri T. P. SRINIVASAVARADAN : May I know, Sir, whether on account of this delay, there was any deterioration in the quality of rice purchased by our merchants in Orissa?

The Hon. Sri M. BHAKTAVATSALAM : I have no such information.

Sri T. P. SRINIVASAVARADAN : May I know how long it will take for these 600 tons of rice to be imported into this State from Orissa?

The Hon. Sri M. BHAKTAVATSALAM : That depends upon the availability of the wagons. There is shortage of wagons still. We are looking into the matter, and the railways do respond to our request and wagons are allotted.

Sri T. P. SRINIVASAVARADAN : May I know whether all the 600 tons of rice have been received?

The Hon. Sri M. BHAKTAVATSALAM : I am sorry I do not have the information with me. But arrangements have been made to allot ten wagons per day subject to availability of empties. Therefore, I do not think that there should be any further difficulty in transporting all that quantity of rice.

Boring sets

* 271 *Q*.—Sri A. K. THANGAVEL MUDALIAR : Will the Hon. the Minister for Home be pleased to state—

(*a*) the amount of deposits paid by agriculturists in respect of hiring of boring sets in 1958–59 and 1959–60;

28th August 1961]

(*b*) the amount returned to the agriculturists after the completion of the work and the payment of boring charges; and

(*c*) the amount which still remains unpaid and the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM :

(*a*) 1958–59—Rs. 70,377.90 nP.
1959–60—Rs. 74,539.32 nP.

(*b*) 1958–59—Rs. 46,019.20 nP.
1959–60—Rs. 38,518.49 nP.

(*c*) 1958–59—Rs. 20,986.00 nP.
1959–60—Rs. 24,952.88 nP.

The pumping and boring scheme was transferred from the control of the Industries Department to the control of the Agriculture Department with effect from 1st April 1958 and in the initial stages there was some difficulty in locating the records for effecting refunds and the borewell foremen had to attend to this work in addition to their fieldwork until the appointment of additional staff. Additional staff has since been sanctioned for the Borewell Scheme in the districts and they will attend to the refund of deposits in question expeditiously.

SRI A. K. THANGAVEL MUDALIAR : Sri விளங்கவில்லை. தமிழில் சொன்னால் நல்லது.

THE HON. SRI M. BHAKTAVATSALAM :

பணம் கட்டியது	1958-59-ல்	ரூ. 70,377	90
	1959-60-ல்	ரூ. 14,539	32
ரிபண்டானது	1958-59-ல்	ரூ. 46,019	20
	1959-60-ல்	ரூ. 38,518	49
இன்னும மிச்சம் இருப்பது	1958-59-ல்	ரூ. 20,086	00
	1959-60-ல்	ரூ. 24,952	88

இதிலே இவ்வளவு தூரம் மிச்சம் இருப்பதற்குக் காரணம் 1958-க்கு முன் இது தொழில் இலாகாவில் இருந்தது. இப்போது விவசாய இலாகாவில் இந்த போரிங் திட்டம் மாற்றப்பட்டது. அப்போது அதற்கு வேண்டிய உத்தியோகஸ்தர்கள் இல்லை. அங்குள்ள ஒரு ஆள் டெக்னிகல் வொர்க் பார்ப்பவர்தான் வயலில் போய் பம்பு ஸ்கீம் வேலை பார்க்கிறவர். அவர்தான் கணக்கும் வைத்துக்கொள்ளவேண்டி இருந்தது. அதனால் தாமதம் ஏற்பட்டது. இப்போது வேண்டிய அதிகாரிகள் நியமிக்கப்பட்டிருக்கிறார்கள். இனிமேல் சீக்கிரத்தில் பாக்கி இருக்கிற பணம் கொடுக்கப்பட்டுவிடும்.

SRI A. K. THANGAVEL MUDALIAR : அதில் 'டிலே' ஆகிற படியால் பார்டிகளுக்குக் கஷ்டமாக இருக்கிறது. அதனால் அரசாங்கம் ஏதாவது செய்யுமா?

[28th August 1961

THE HON. SRI M. BHAKTAVATSALAM : டிலேயினுல் எப்போதும் கஷ்டம்தான். அதனுல்தான் இப்போது புது ஸ்டாஃப்
3-20 p.m. போட்டு வேலே செய்கிறது.

Cyclists

*272 *Q.*—SRI K. KAMALAKANNAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether there is any proposal to permit cyclists to carry an additional passenger on the carrier; and

(*b*) if not, the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) No, Sir.

(*b*) Under rule 39 (2) of the Madras Traffic Rules, 1938, cyclists are prohibited from carrying passengers on the carrier.

SRI K. KAMALAKANNAN : பம்பாய், டில்லி போன்ற நகரங்களில் சைகிளில் ஒருவருக்கு மேல் செல்ல சட்டம் அனுமதிக்கப்படுவதாகக் கூறப்படுகிறது. அது அமைச்சர் அவர்களுக்குக் தெரியுமா ?

THE HON. SRI M. BHAKTAVATSALAM : சட்டம் அனுமதிக்கிறதோ அல்லது அனுமதிக்காமல் போகிறதோ, நாம் எங்கும் பார்க்கிருேம். இரண்டு பேர் இல்லே, 3 பேர்கள்கூட போகிருர்கள். ஆனுல் அப்படி போகிறதில் ஆபத்து ஏற்படுகிறது. மோட்டாரில் போகிறவர்களுக்கு அதனுல் ஆபத்து ஏற்படுகிறது. ஆகையால், இதைக் கண்டிப்பாக அமுல் நடத்தத்தான் வேண்டும்.

VIDWAN T. MUTHUKANNAPPAN : சைகிளில் இருவர் போவதால் பயங்கரமான விபத்துக்கள் ஏற்பட்டிருப்பதாக அரசாங்கத்திற்கு ஏதாவது தகவல் கிடைத்திருக்கிறதா ?

THE HON. SRI M. BHAKTAVATSALAM : இதற்கு ஒன்றும் தகவல் வேண்டியதில்லே. நிச்சயமாக இது ஆபத்து என்பதைக் கனம் அங்கத்தினர் முதலில் உணர வேண்டும்.

SRI A. K. THANGAVEL MUDALIAR : அந்தமாதிரி இருவர் போவதைப் போலீஸ் பார்த்துக்கொண்டிருக்கிறது என்பது அரசாங்கத்திற்குத் தெரியுமா ?

THE HON. SRI M. BHAKTAVATSALAM : ரொம்பப் பேர் போகிருர்கள். அவர்களேப் பிடிப்பதால் பல கலாட்டாக்கள் ஏற்படுகின்றன. கனம் அங்கத்தினரைப் போன்றவர்களுடைய ஒத்துழைப்பு இருந்தால், இதை ஜரூராக அமுல் நடத்த முடியும்.

SRI A. K. THANGAVEL MUDALIAR : நான் போய் பிடித்தால் என்னே அடிக்க வந்துவிடுவார்கள்.

28th August 1961]

Gingee Fort

* 273 *Q.*—SRI M. ETHIRAJALU : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether there is any proposal to make the **Gingee Fort** in South Arcot district as a Tourist Centre; and

(*b*) if so, the stage at which the matter now stands?

THE HON. SRI C. SUBRAMANIAM : (*a*) No, Sir.

(*b*) Does not arise.

SRI M. ETHIRAJALU : தென்னாற்காடு ஜில்லாவிலுள்ள செஞ்சிக் கோட்டையைப்பற்றி அகில இந்தியாவே அறியும். அது சரித்திரத்தில் புகழ்ப்பெற்றது. ஆனால் அந்த இடத்திற்குச் செல்வதற்கு ரயில் வசதிகூட கிடையாது. தமிழ்நாட்டிலிருந்து மற்றப்பகுதிகளிலிருந்தும் வருகிற மக்கள் தங்குவதற்குக்கூட அங்கு இடமில்லை. ஆகையால், தயவுகூர்ந்து அதைப் பரிசீலித்து, அங்கு ஒரு பிரயாணிகள் விடுதி கட்டுவதற்கு அரசாங்கம் ஏற்பாடு செய்யுமா ?

THE HON. SRI C. SUBRAMANIAM : பிரயாணிகள் விடுதி ஏற்பாடு செய்வதற்கு மூன்றாவது ஐந்தாண்டுத் திட்டத்தில் இதற்குப் பணம் ஒதுக்கப்படவில்லை. பாக்கி இடங்களைக் கவனித்து ஏற்ற இடமென்று கருதி எதற்கு முதலிடம் கொடுக்க வேண்டுமோ அதற்குக் கொடுக்கப்பட்டிருக்கிறது. செஞ்சியை நான்காவது ஐந்தாண்டுத் திட்டத்திலும் எடுத்துக்கொள்ளலாம்.

Madras University Act, 1923

* 274 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether there is any proposal to amend the **Madras University Act**, 1923, with a view to increase the seats **allotted for** election by registered graduates; and

(*b*) if so, the stage at which the matter now stands?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) Comprehensive proposals for amending the Madras University Act, 1923, are under consideration. The point raised in the question will also be taken note of, when the amendments are finalised.

DR. A. SREENIVASAN : May I know how many registered Graduates are in the Register of the University for the year 1923 and how many there are in 1959–60?

THE HON. SRI C. SUBRAMANIAM : I do not have the information.

[28th August 1961

Lace Industry

* 275 *Q.*—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether there is any proposal to establish a lace industry in Madras; and

(*b*) if so, the stage at which the matter stands?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) No, Sir.

(*b*) Does not arise.

VIDWAN T. MUTHUKANNAPPAN : *தனியார் யாராவது அத்தகைய தொழிற்சாலை ஏற்படுத்த அரசாங்கத்திடம் அனுமதி கோரியிருக்கிறார்களா ?*

THE HON. SRI M. BHAKTAVATSALAM : *அதைப்பற்றி என்னிடம் தகவல் இல்லை. ஆனால் ஒரு பயிற்சி நிலையத்தைத் திருநெல்வேலியில் பாளையம்கோட்டையில் ஏற்படுத்தி, அங்கு ஒரு சிலர் பயிற்சி பெற்றார்கள். பதினைந்து மாணவர்கள் பயிற்சி பெற்றார்கள். அவர்களை வைத்துக்கொண்டு இப்போது ஒரு இண்டஸ்டிரியல் கோவாப்பரேட்டிவ் சொசைடி ஆரம்பிக்கப்பட்டிருக்கிறது.*

SRI A. K. THANGAVEL MUDALIAR : *ஜரிகைத் தொழில் என்றால் எந்தமாதிரி ஜரிகை ?*

THE HON. SRI M. BHAKTAVATSALAM : *எம்ப்ராய்டரி ஜரிகை.*

Potato seeds

* 276 *Q.*—SRI V. M. SURENDRARAM : Will the Hon. the Minister for Home be pleased to state—

(*a*) the quantity of potato seeds imported into the State during 1958–59 and 1959–60; and

(*b*) the quantity of seeds used in Government Seed Farms and the quantity of seeds distributed to farmers during the above period?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) 1958–59—nil; 1959–60—4,100 lb.

(*b*) The entire quantity imported during 1959–60 was used in the Agricultural Research Station, Nanjanad.

SRI V. M. SURENDRARAM : *சார், 1961-ல் எவ்வளவு விதை இறக்குமதி செய்யப்பட்டிருக்கிறது ?*

THE HON. SRI M. BHAKTAVATSALAM : *இரண்டு டன்தான் கிடைத்திருக்கிறது.*

28th August 1961]

SRI V. M. SURENDRARAM : இந்த வருஷம் நீலகிரி ஜில்லாவில் 'லேட் பிளைட்' என்ற நோயால் விதைகள் இல்லாமல் போய்விட்டதால், அதிக விதைகளை இறக்குமதி செய்ய சர்க்கார் ஏற்பாடு செய்யுமா ?

THE HON. SRI M. BHAKTAVATSALAM: அதுபற்றி முயற்சி செய்யப்பட்டுவருகிறது.

Pick-pocket

* 277 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether any instance of refusal to take charge of a pick-pocket by a Railway Police Constable, recently in the City of Madras, has been brought to the notice of the Government; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) Yes, Sir.

(*b*) The Railway Police Constable has been placed under suspension and departmental action against him is proceeding.

SRI T. P. SRINIVASAVARADAN : Was it under the wrong impression that it was not his duty that he refused to take charge?

THE HON. SRI M. BHAKTAVATSALAM : All that will be revealed in the course of the inquiries. We cannot go into what he was thinking and doing.

SRI T. P. SRINIVASAVARADAN : Are the Government aware that in a number of cases, even serious cases, the constable says that anything brought to his notice does not fall within his jurisdiction and asks the complainant to go to the next police station?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that the constable should take charge of the case if it is within his jurisdiction and that he has no powers to direct it to the wrong police station.

Thozhudur Police station

* 278 *Q.*—SRI M. ETHIRAJALU : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether it is a fact that a petition has been presented to the Chief Minister during his tour on 20th September 1960 by the villagers of Ramanathan of Vridhachalam taluk, South Arcot district, to change the name of Thozhudur Police station as Ramanathan Police station; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (*a*) No, Sir.

(*b*) Does not arise.

[28th August 1961

SRI M. ETHIRAJALU : *சார், 20—9—1960-ல் முதலமைச்சர் வந்தபோது, வரவேற்புப் பத்திரத்திலே பிரிண்ட் செய்து, அவர்களுடைய கோரிக்கையை ராமநத்தம் என்ற ஊர் பெயரிலுள்ள அந்த போலீஸ் ஸ்டேஷனை மாற்ற வேண்டுமென்று கேட்டிருந்தார்கள். அந்தப் போலீஸ் ஸ்டேஷன் ராமநத்தம் என்ற ஊரில்தான் இருக்கிறது. ஆகையால், கிராமத்தார் கோரிக்கைப் படி மாற்றுவதற்கு என்ன நடவடிக்கை எடுக்கப்பட்டது?*

THE HON. SRI M. BHAKTAVATSALAM: *இருக்கிற பெயரை மாற்றினால், எத்தனையோ பிரச்னைகள் வரும்; கட்சி வரும்; ஆட்சேபனை வரும். முதன்மந்திரி அவர்கள் இதையெல்லாம் மாற்றுவது சரியல்லவென்று அங்கேயே சொல்லிவிட்டார்.*

MR. CHAIRMAN : Questions are over.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III. ANNOUNCEMENTS.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received a message from the Governor of Madras recommending to the Legislative Council the consideration of the Madras Co-operative Societies Bill, 1961, as passed by the Legislative Assembly.

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received messages from the Deputy Speaker, Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly for the concurrence of the Council :—

1. The Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961).

2. The Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961).

3. The Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961).

4. The Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961).

5. The Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960).

IV. CALLING ATTENTION TO THE DAMAGE CAUSED TO THE POTATO CROPS IN THE NILGIRIS DISTRICT BY THE LATE BLIGHT.

MR. CHAIRMAN : There is a notice given under rule 41 (1) of the Madras Council Rules by hon. Members Sri V. M. Surendra Ram and Sri T. Joghee Gowder. Both are on the same subject.

28th August 1961]

Sri V. M. SURENDRA RAM : Sir, I wish to call the attention of the Hon. the Minister for Home to a matter of urgent public importance, namely, the extensive and wholesale damage done to the potato crop in the whole of the Nilgiris district by the disease known as ' Late Blight', which is widespread and destructive and the consequent distress and great loss caused to the potato growers. The potato growers of Nilgiris district have not only lost their current profit which has ruined them economically, but they have also been deprived of seeds for the next crop. On account of this wholesale loss of potato crop, they are not able to repay the loans taken from the Government, Co-operative and other agencies. They are not able to find the money for the purchase of seeds and manure for the next crop. There is, therefore, acute economic distress among potato growers. It is, therefore, imperative that immediate relief in the form of postponement of payment of instalments of loans and supply of potato seeds may be given.

* The Hon. Sri M. BHAKTAVATSALAM : Sir, potato which is the main food and commercial crop in the Nilgiris is grown throughout the year in a total area of about 15,000 acres. Potato cultivation has been the backbone of the agricultural economy in this district and most of the agriculturists depend upon the potato crop for their living. During the first week of June 1961 a fungus disease called "Late Blight" affected the main potato crop in the entire district. This is not the first time that such a disease has made its appearance in this district. This disease was possibly first introduced into India between 1870 and 1880. It broke out near Darjeeling in 1883 after the introduction of English varieties of potato there and in Bengal in 1901. The fungus which rapidly multiplies is said to have been present in the Nilgiris in previous years. Late Blight is always latent in the potato crop and so long as the rainfall is only moderate and there is adequate sunshine, the disease never makes its appearance. However, under conditions of excessive rain and moisture and lack of adequate sunshine coupled with strong breeze facilitating the spread of the infection, the disease gained ground and spread very rapidly. The effect of the disease was to dry up the leaves and the stem, thereby completely arresting the tuber growth. In all cases where the sowing was earlier (namely, in March) the tubers had already formed by the time the late blight set in; in the case of such crops, the yield was relatively better as the tuber had already developed fairly well. However, in cases where the sowing was done in the later part of April or early in May there was not enough interval for the tubers to be formed by the time the late blight set in, and the adverse effect to the crop was more pronounced. 3-30 p.m.

Potato is grown only in the Ootacamund and Coonoor taluks and not in the Gudalur taluk. The number of villages in which it is grown is 18 in Ootacamund taluk and 12 in Coonoor taluk.

[Sri M. Bhaktavatsalam] [28th August 1961

Harvest experiments indicate that in 14 out of 18 villages of Ootacamund taluk, and in 10 out of the 12 villages of Coonoor taluk, the yield has to be regarded as 1 :3 or below.

In villages where the planting was early (i.e., March) or where the rainfall was relatively less or owing to the lesser elevation there was more sunshine and less breeze, the damage has been considerably less. On the other hand, in villages like Ootacamund, Nanjanad and Ithalar where the contrary conditions prevailed, the damage has been severe. However, even in regard to such villages it is not as if the damage has been the same from area to area or from field to field. Even in adjacent fields, it was found that the yield in one was better than the yield in the other. In fact, even in regard to adjacent plants there was sometime difference in yield.

The opinion of the various agencies who have been connected with the crops is that the average loss is about 40 per cent. This assessment also corresponds to the fact that in a normal year, the average yield is about 1 : 4 or 5, and that this year in 24 out of the 30 potato growing villages the yield is 1 : 3 or less and that there has been some damage in the remaining six villages also. The price of potato last year was of the order of about Rs. 25 to Rs. 30 per bag whereas at present it is about Rs. 35 to Rs. 40 per bag, i.e., about 40 per cent high. It is, therefore, possible to infer that what has been lost by way of quantity has been more or less made good by way of increased prices. The following measures have already been taken :—

(i) Sixteen power sprayers, 274 hand operated sprayers and 20 dusters are in operation in the Nilgiris district. Pesticides were moved to all village centres to be within easy reach of farmers.

(ii) An additional staff of 6 Agricultural Demonstrators, 11 Demonstration Maistries and 2 Mechanics have been deputed to attend to this work.

(iii) Methods of control were printed in the form of leaflets and distributed all over. An area of 3,200 acres have been sprayed, so far by the Agriculture Department.

(iv) 2,681 metric tonnes of fungicides have been supplied to the farmers.

(v) The Madras Agricultural Pests and Diseases Act, 1919 has been enforced in the Nilgiris district by an extraordinary Gazette Notification, dated 11th July 1961 prescribing the remedial measures necessary to deal with the situation.

(vi) Commercial firms also did some spraying for their customers but unfortunately the spraying operations were handicapped to a considerable extent by the heavy and incessant rains which not only made it difficult for the staff to do the operations at all but also reduced the potency of spraying by washing away the fungicides.

28th August 1961] [Sri M. Bhaktavatsalam]

(vii) Orders have been issued for procurement of 3,000 bags of Great Scot type seed potatoes for distribution to the ryots at a cost of Rs. 1,50,500, the premium of Rs. 15,000 paid towards purchase price being met entirely by the Government.

(viii) The Director of Agriculture has increased the number of sprayers to be distributed at 50 per cent concessional rate in the Nilgiris from 30 to 200 and he has continued the issue of pesticides at 50 per cent consessional rate.

Immediately on the outbreak of the disease this Government requested the Government of India to depute Dr. William Black of the Scottish Plant Breeding Station, Edinburgh, who is a potato expert of international eminence who is now in India under the Technical Co-operation Scheme of the Colombo Plan to study the incidence of Late Blight in the Nilgiris. Dr. Black undertook a tour of the worst affected areas and expressed the view that this disease could be completely eradicated by systematic fungicidal spraying and adopting field sanitation measures. He also informed the ryots that there was absolutely no need for them to feel despondent or worried about their next crop since the fungus would be killed by bright weather. He is also of the opinion that they could safely use the seeds from the current harvest for their next sowing season, wherever tubers have not been affected by the disease and that in most cases the tubers were fortunately free from infection.

With reference to representations received from the local organisations for relief measures, the Government deputed a Member of the Board of Revenue to tour the affected area in the Nilgiris district and to enquire into the extent of economic distress suffered by the agriculturists as a result of this disease. He has submitted a detailed report to the Government. The various suggestions made by him are under examination. Meanwhile, in order to ensure that speedy relief measures are undertaken, I had a discussion with the senior officers concerned and in the light of that discussion, the grant of relief on the following lines is being examined :—

(i) postponement of kist and loan collections;

(ii) grant of relief to small holders in the matter of repayment of loans to Co-operative Societies;

(iii) raising the individual maximum borrowing power to Rs. 3,000;

(iv) issue of fresh loans for cultivation expenses without taking into account the outstanding loans for the purpose of maximum borrowing power;

(v) increase of the number of sprayers sold at concessional rate from 200 to 560;

(vi) continued sale of pesticides at 50 per cent concessional sale up to the end of June 1962;

(vii) importing from abroad of seed potatoes of the Great Scot variety to the extent possible for distribution to the ryots.

The above relief measures are being actively considered for the issue of expeditious orders.

I have myself taken up the question of importing potato seeds from abroad with the Union Minister for Food and Agriculture, requesting him to look into the matter personally. He has promised to do so.

Let me assure hon. Members that there is no need to take any alarmistic view of the situation and that all possible steps have been and are being taken to give immediate relief to the potato growers in the Nilgiris district.

V. GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1961 (L.A. BILL NO. 25 OF 1961).

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Preservation of Private Forests (Amendment Bill, [a] 1961 (L.A. Bill No. 25 of 1961), as passed by the Assembly, be taken into consideration.'

The Madras Preservation of Private Forests Act was enacted in the year 1946, with a view to preventing indiscriminate destruction of private forests (especially those in estates governed by the Madras Estates Land Act) and interference with customary and prescriptive rights therein. The Act, as it stands, now applies to forests situated in estates, as defined in the Madras Estates Land Act, 1908, and to private forests situated in other areas exceeding 30 acres, which may be declared by the State Government to be forests for the purposes of the Act. The Act provides that no owner of any private forest shall, without the previous sanction of the District Collector, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest, and that no owner of any forest and no person claiming under him whether by virtue of a contract, licence, or any other transaction entered into before or after the commencement of the Madras Preservation of Private Forests Act, or any other person, shall without the previous permission of the District Collector cut trees or do any act likely to denude the forest or diminish its utility as a forest except the removal of dead or fallen trees or any act done for the usual or customary domestic purposes or for making agricultural implements.

The Act was originally enacted as a temporary measure for a period of two years with effect from 3rd December 1946 and it has since then been continued for one or two years at a time. It was

[a] Printed as Appendix II on page 155–216 infra.

28th August 1961] [Sri M. Bhaktavatsalam]

proposed to embody the essential provisions of the Madras Preservation of Private Forests Act in the Madras Forests Act, 1882, by amending it. It was, however, later on decided that separate permanent and effective legislation should be undertaken in respect of private forests in this State. As separate legislation regarding private forests did not materialize, when the Madras Preservation of Private Forests Act was due to expire last time, the life of the Act was extended up to and inclusive of 2nd December 1961.

The question of undertaking separate legislation regarding private forests is still under the consideration of the Government. It is not likely that this legislation will materialize before 2nd December 1961, the date on which the Madras Preservation of Private Forests Act is due to expire. The Government have, therefore, decided to extend the life of the original Act for a further period of two years beyond 2nd December 1961. The Bill accordingly provides for extension of life of the Act up to and inclusive of 2nd December 1963.

I request the House, Sir, to accept the motion.

MR. CHAIRMAN : Motion moved—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1961 (L.A. Bill No. 25 of 1961) as passed by the Assembly, be taken into consideration'. 3-40 p.m.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, on three former occasions the life of this Act was sought to be extended any on every one of those occasions it was pointed out from this side of the House that there should be some end to this extension and that a legislation on a permanent basis should be put on the Statute-book. The then Hon. Minister also gave an assurance to that effect. Probably this Minister was not in charge of it then. The Hon. Minister in charge of it then gave an assurance on behalf of the Government that it would be done. Of course, they went on examining the Act and after examination, now they say it is not possible to have a permanent measure. I do not know what the reasons are. If the Hon. Minister would tell us the difficulties, we can consider them. But so far as I could see, there can be no inherent legal difficulty in making this a permanent Act. Sufficient time has already been taken, from 1946 to 1961, that is, about 15 years. Still I am not able to understand why it could not be made a permanent Act and placed on the Statute book. There are no reasons given for not doing it. Therefore, we are not able to say anything more than this. After two years I do not know who will be here to answer if this is not made a permanent measure even then. My submission is at least after two years, this should be made a permanent measure. So long as there are private forests, there must be an Act to prevent unnecessary cutting of trees and destroying of forests and we are all agreed that forests are very essential for our country. Therefore, there cannot be any objection

to the principle of the legislation. I do not know what the difficulties are that stand in the way of the Government bringing in a permanent measure for this purpose. Therefore, I would request the Hon. Minister to make this final and place it on the Statute book.

THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, the main idea is that the provisions of this enactment should be incorporated in the main Forests Act. If it was to continue the provisions in this Bill and amend the main Act, it could have been done two years ago. But only two years back we took the decision that we must undertake a comprehensive amendment to the Forest Act itself. It is an old Act. That has been taken up and that is under examination. That is the reason why we are not able to put this legislation on the Statute-book on a permanent basis. Hon. Members, particularly, in this House have always been complaining that we are in a hurry in undertaking legislation, particularly comprehensive legislation. So far as the Forests Act is concerned, it affects so many interests. That has to be thoroughly examined. The comprehensive Bill has got to be examined by the Board of Revenue, the other departments and Ministries and that is how it takes some more time in getting that legislation ready. Therefore, in the meanwhile, we have to come to this House to get approval for extending the life of the existing Act for two more years.

SRI K. BALASUBRAMANYA AYYAR : It has been there for 15 years.

THE HON. SRI M. BHAKTAVATSALAM : Only two years ago I said a comprehensive Bill would be brought forward. Just now we have taken the decision to undertake a comprehensive amendment to the Forests Act, and that is why we are asking for extension of life for this legislation. I do not think the hon. Member Sri Balasubramanya Ayyar would say that we should bring it in about two or three months or even within a year.

MR. CHAIRMAN : The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1961 (L.A. Bill No. 25 of 1961), as passed by the Assembly, be taken into consideration'.

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1961 (L.A. Bill No. 25 of 1961) as passed by the Assembly, be passed'.

28th August 1961]

MR. CHAIRMAN : The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1961 (L.A. Bill No. 25 of 1961) as passed by the Assembly, be passed'.

The motion was put and carried and the Bill was passed.

VI. DISCUSSION ON THE FIRST SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1961-62.

*SRI M. ETHIRAJALU : சார், இந்த உபமானியக் கோரிக்கையின் மீது இப்போது 67 லட்ச ரூபாய்க்கு இந்த சபையின் அங்கீகாரம் கேட்கப்பட்டிருக்கிறது. மக்கள் பொருளாதார முன்னேற்றத்தின் அடிப்படையில் இந்தக் கோரிக்கையில் அடங்கிய செலவு செய்யப்பட்டிருக்கிறது என்பதை நாம் எல்லோரும் அறிவோம். ரெவின்யூ அக்கவுண்டில் 37 லட்ச ரூபாயும், காப்பிடல் அக்கவுண்டில் 22 லட்ச ரூபாயும், கடன் அட்வான்ஸ் வகையறுக்களில் 8 லட்ச ரூபாயும் ஆக 67 லட்ச ரூபாய் கேட்கப்பட்டிருக்கிறது. இப்போது சமீபத்தில் ஏற்பட்ட வெள்ள நிவாரண வேலைக்காக தனியாக ஒரு யூனிட்டை அமைத்து வெள்ளத்தினால் பாதிக்கப்பட்ட அணைக்கட்டுகளையும் இன்னும் கால்வாய்களையும் சரிப்படுத்துவதற்காகவே 25 லட்ச ரூபாய் கேட்கப்பட்டிருக்கிறது. ஆனால் இது அதிகமான தொகை என்று நாம் சொல்ல முடியாது. வெள்ளத்தை நேரில் பார்த்தவர்களும் வெள்ளத்தால் ஏற்பட்ட சேதங்களைத் தெரிந்து கொண்டவர்களும் இதைக் குறைந்த தொகை என்றே கருத முடியும். ஆனால் இப்போது ஏற்பட்ட வெள்ளத்தினால் மிகவும் பாதிக்கப்பட்ட இடங்களான திருச்சி, தஞ்சாவூர், கோயம்புத்தூர் இன்னும் தென் ஆற்காடு ஜில்லாக்களில் உள்ள பாதிக்கப்பட்ட அணைக்கட்டுகளையும் மதகுகளையும் சீர்படுத்துவதற்காக ஒரு குறுகிய காலத் திட்டத்தை சீக்கிரம் அமைத்து நடவடிக்கை எடுக்கும்படி நான் கேட்டுக்கொள்ளுகிறேன். ஆனால் வெள்ளம் தாழ்ந்தும் இப்போது ஒவ்வொரு நாளும் "அபாயம், அபாயம்" என்று பத்திரிகையில் வருகிற செய்தியை நாம் பார்க்கிறோம். இதற்கு நாம் முன் எச்சரிக்கையாக இருக்கவேண்டும். இந்த அபாயத்தைத் தடுப்பதற்காக நமது தமிழ்நாட்டு அரசாங்கத்தின் அதிகாரிகளை யாவது மைசூர் ராஜ்யத்திலே இருக்க வைத்து, அவ்வப்போது அங்கே பெய்கிற மழையையும் அதனால் என்ன என்ன வெள்ளச் சேதம் ஏற்படலாம் என்பதையும் அடிக்கடி நம்முடைய தமிழ் நாட்டு அரசாங்கத்துக்குத் தெரிவிக்கும்படி செய்து, நாம் முன் கூட்டி, வெள்ளம் வரும் முன்பு, முன் எச்சரிக்கையாக இருக்க வேண்டும் என்ற பெரியோர் வாக்குபடி, நாம் நடவடிக்கை எடுத்துக் கொள்ள வேண்டியது அவசியத்திலும் அவசியமென தெரிவித்துக் கொள்கிறேன்.

அடுத்தபடியாக, டிராக்டர்கள் வாங்குவதற்காக 10 லட்ச ரூபாய் இந்த மானியத்திலே கோரப்பட்டிருக்கிறது. இப்போது நம்மிடத்திலே இருக்கிற டிராக்டர்கள் மொத்தம் 138. ஆனால், 3-50 p.m.

அதெல்லாம் தேய்ந்து போனவைகளாக இருக்கின்றன என்று குறிப்பிடப்பட்டிருக்கிறது. அப்படித் தேய்ந்து போயிருக்கிற காரணத்தால் விவசாயத்தை நல்ல முறையில் பெருக்க முடியவில்லை, உணவு உற்பத்தியையும் பெருக்க முடியவில்லை என்று குறைகள் சொல்லப்படுகின்றன. ஒவ்வொரு ஜில்லா கவுன்சிலிலும் இந்த டிராக்டர்களைப் பற்றிய யோசனையைத்தான் அடிக்கடி சொல்லுகிறார்கள். ஆனால் இப்போது அமெரிக்காவிலிருந்தும் ரஷ்யாவிலிருந்தும் நாம் 10 லட்ச ரூபாய்க்கு டிராக்டர்கள் வாங்கப் போகிறோம். இவைகளை விவசாயிகளுக்குக் கடனாகக் கொடுக்கப் போகிறோம். அப்படிக் கொடுத்தால்தான் உணவு உற்பத்தியைப் பெருக்க முடியும். ஏனெனில் டிராக்டர்தான் நிலத்தை ஆழ உழுது பயிர் செய்வதற்கு இருக்கக்கூடிய அடிப்படையான கருவி. ஆனால், 25 லட்ச ரூபாய் சாங்ஷன் செய்யப்பட்டு டிராக்டர்கள் வாங்குவதற்கென 10 லட்சம் ரூபாய்தான் இப்போது எடுத்துக்கொள்ளுகிறார்கள். இப்போது வருகிற அக்டோபர் மாதம் 2-ம் தேதி ஏறக்குறைய 378 பஞ்சாயத்துகள் ஏற்படுத்தப் போகிறோம். அப்படி ஏற்படுத்துகிற நேரத்தில் பஞ்சாயத்து சட்ட 66-வது விதியின்படி விவசாயம், கால்நடை, தொழில் அபிவிருத்தி மூன்றையும் ஒன்றாகப் பிணைத்து பஞ்சாயத்திடம் ஒப்படைத்திருக்கிறோம். அப்படி ஒப்படைத்து அதன் மூலம் மக்கள் திட்டத்தை நிறைவேற்றும்போது அமைக்கப் போகும் 378 பஞ்சாயத்துகளுக்கும் ஒவ்வொரு டிராக்டர் வீதமாவது கொடுத்தால்தான் உணவு உற்பத்தியை நாம் நன்றாகப் பெருக்க முடியும் என்று நான் அரசாங்கத்துக்குத் தெரிவித்துக் கொள்ளுகிறேன். அப்படி இல்லாவிட்டால், ஜில்லாவுக்கு 50 டிராக்டர்களாவது கொடுக்கும்படி நான் கேட்டுக்கொள்ளுகிறேன்.

அடுத்தபடியாக, கோத்தகிரி கூட்டுறவு தேயிலைத் தொழிற்சாலை அமைப்பதற்காக 4 லட்ச ரூபாய் கொடுக்கப்போகிறோம். ஐந்து லட்ச ரூபாய்களைக் கருவிகள் வாங்குவதற்காகவும் அதற்கு வேண்டிய ஆபீஸ்கள், வீடுகள் கட்டுவதற்கும் நாம் கொடுக்கிறோம். இந்த கோத்தகிரியில் இருக்கக்கூடிய 3,000 தொழிலாளர் நலனை உத்தேசித்து கூட்டுறவு தேயிலைத் தொழிற்சாலை அமைப்பது வரவேற்கத்தக்க விஷயம்தான். ஆனால், அதே ஜில்லாவில் இருக்கக்கூடிய நீலகிரி, கூனூர் போன்ற இடங்களில்கூட இம்மாதிரிக் கூட்டுறவு தேயிலைத் தொழிற்சாலை வைத்தால் மிகவும் நல்லது. இப்போது இங்கே முன்னதாக விவசாயத்துறை அமைச்சரவர்கள் கூட படித்தார்கள். நீலகிரியிலே "லேட் பிளைட்" என்று ஒரு வியாதி உருளைக்கிழங்கைப் பாதித்து அதனால் 1 கோடி ரூபாய்க்கு மேல் நஷ்டம் ஏற்படும் நிலை வந்து விட்டது என்று சொன்னார்கள். ஆனால், இம்மாதிரியான ஒரு கூட்டுறவு தேயிலைத் தொழிற்சாலை வைக்க வசதியாக இருக்கக்கூடிய நீலகிரி, கூனூர் போன்ற இடங்களில் வைத்து, அந்த ஒரே உருளைக்கிழங்கை மட்டும் விவசாயிகள்

28th August 1961] [Sri M. Ethirajalu]

நம்பிக்கொண்டு இருக்காமல் செய்தால், எதிர்காலத்தில் அவர்களுக்கு நல்லமுறையில் வருவாய் கிடைக்க வழி ஏற்படும் என்று தெரிவித்துக்கொள்ளுகிறேன.

அடுத்தபடியாக, லோக்கல் பண்டு ஆஸ்பத்திரியை எல்லாம் சர்க்கார் எடுத்துக்கொள்ளுவதற்கு 2 லட்ச ரூபாய் இப்போது கேட்கிறது. இதையும் மககள் வரவேற்கக்கூடிய நிலையிலேதான் இருக்கிறார்கள். இதுவும் வருஷத்துக்கு வருஷம் சர்க்காருக்குத் தெரிவித்து, இந்த லோக்கல் பண்டு ஆஸ்பத்திரிகளை எல்லாம் உடனடியாக சர்க்கார் எடுத்துக்கொள்ளுவது நல்லது என்று பொதுமக்கள் சொல்லி வருகிறார்கள். ஆனால், லோக்கல் பண்டு ஆஸ்பத்திரிகளை எடுத்துக்கொள்ளும்போது அதிலே இருக்கிற சிப்பந்திகளையும் சர்க்கார் துறையில் எடுத்துக்கொள்ள வேண்டும் என்று சொல்லுகிறேன். அதிலே ஒரு கஷ்டம். அவர்களுக்குப் போதுமான படிப்பு இல்லை, அவர்களுக்குப் போதுமான தகுதி இல்லை என்று நாம் நிராகரித்து விடுகிறோம். அப்படிப் போதுமான தகுதி, திறமை இல்லாதவர்களுக்கு நல்ல முறையில் பயிற்சி அளித்தாவது நாம் எடுத்துக்கொள்வது நன்றாக இருக்கும் என்று அரசாங்கத்துக்குத் தெரிவித்துக்கொள்ளுகிறேன்.

அடுத்தபடியாக, இப்போது நமது நிதியமைச்சர் அவர்கள் வெளி நாட்டுச் சுற்றுப் பயணம் செய்ததின் காரணமாக, நமது தமிழ் நாட்டு அரசாங்கத்துக்கு 3 கோடி ரூபாய் பெறுமான பால் பவுடர், அரிசி, எண்ணெய் போன்ற சாமான்கள் கிடைத்திருக்கின்றன. அவைகளை நன்றாகச் சீர்படுத்தி நல்ல நிலைமையில் எல்லோருக்கும் போய்ச் சேருவதற்கு வேண்டிய ஒரு திட்டத்தைத் தயாரிப்பதற்குக்கூட இந்த உபமானியக் கோரிக்கையில் கேட்கப்பட்டிருக்கிறது. ஆனால், இது மிகவும் வரவேற்க வேண்டிய விஷயம். இது ஏன் அப்படி ஒரு அரசாங்கத்திற்கு மற்றொரு அரசாங்கம் இவ்வளவு ரூபாய் பெறுமான உணவுப் பொருளை அளிக்க வேண்டும் என்று நாம் எண்ணிப் பார்க்கும்போது, இந்தியா தேசத்திலேயே மதிய உணவுத் திட்டம் நமது அமைச்சரவர்களால் பராமரிக்கப்பட்டு தமிழ் நாட்டிலேதான் வெற்றி பெற்றிருக்கிறது என்று வெளி நாட்டிலிருந்து வந்தவர்கள் நேரடியாகப் பார்த்தும் அவர்கள் அங்கு சென்று மந்திரி அவர்கள் அமெரிக்காவுக்குப் போகும்போது இவர்களைப் பார்த்து நேரில் பேசி, அதைக் கொடுத்திருக்கிற நிலையைப் பார்க்கும்போது, நம் அரசாங்கத்தின் மீது வெளி நாட்டு அரசாங்கம் எவ்வளவு மேன்மையான அபிப்பிராயத்தை வைத்திருக்கிறது என்பது நமக்கு நன்றாகத் தெரிகிறது. இதற்கு அவ்வளவுக்கும் காரணம் நமது நிதியமைச்சர். இன்றைக்கு மதிய உணவுத் திட்டம் எந்த தேசத்திலும் இல்லாத ஒரு புதியதிட்டம் என்பது எல்லோருக்கும் நன்றாகத் தெரியும்.

SRI K. BALASUBRAMANYA AYYAR: மதிய நாள் உணவு . . . .

Sri M. ETHIRAJALU: மதிய உணவு என்றால் ஒரே வார்த்தையில் அடங்கி விடுகிறது.

இந்த மூன்று கோடி ரூபாய் பெறுமான உணவுப் பொருள்களும் தமிழ் நாட்டிலுள்ள 27 ஆயிரம் பள்ளிகளிலுள்ள பிள்ளைகளுக்கும் உதவப் போகிறது. அதிலே படிக்கக்கூடிய மாணவர்கள் என்றென்றும் நமது அரசாங்கத்தில் இருக்கிற நிதி மந்திரி அவர்களை மறக்கமுடியாத நிலையில் பாராட்டக்கூடியவர்களாக இருக்கும் வகையில் வருங்காலம் வரப்போகிறது என்பதை யாரும் மறுக்கவே முடியாது. ஏனென்றால் அவர்கள் அரசாங்கத் துறையிலும் மட்டும் அக்கறை எடுத்துக்கொள்ளவில்லை. இந்த நாட்டின் தலைவர்கள் ஏழை பங்காளிகள். மக்கள் நன்றாகப் படித்து நல்ல முறையில் வளர்வதற்கு அவர்களுடைய இந்தத் திட்டம் எவ்வளவு நல்ல முறையில் ஏற்பட்டிருக்கிறதென்பதை இந்தத் தேசம் எதிர்காலத்திலும் மறக்கவே முடியாது. இப்போது ஆகவேண்டிய திட்டமெல்லாம் நமது கல்வி இலாகாவிலே இரண்டு ரீஜனைப் பிரித்து, அதில் கொடுக்கப்போகிற நேரத்தில் இதனைக் கண்காணிப்பதற்கு வெளி நாடுகளிலிருந்து அமெரிக்காவிலிருந்து அந்த உத்தியோகஸ்தர்கள் வந்திருந்தாலும்கூட, அவர்கள் தெரிந்துகொள்ளும் வண்ணம் இந்தத் திட்டம் நன்றாக வெற்றி பெறும் என்பதில் சந்தேகம் இல்லை. அதற்காக இங்கு பணம் ஒதுக்கியிருப்பது மிகமிக வரவேற்கத்தக்கது என்று சொல்லாமல் இருக்கமுடியவில்லை.

அதோடுகூட இந்த கோரிக்கையில் ஹவுசிங் போர்டுக்கு 2 லட்சம் ரூபாய் கொடுக்க அனுமதி கேட்டிருக்கிறார்கள். அதில் ஒன்றை நிதியமைச்சர் அவர்களையும் தொழில் அமைச்சர் அவர்களையும் நான் கேட்டுக்கொள்ளுகிறேன். அதற்கு 2 லட்சம் ரூபாய் கொடுக்கவேண்டியதுதான். ஆனால் இப்போது ஏற்படுத்தியிருக்கிற ஹவுசிங் போர்டில், சட்டதிட்டப்படி பார்க்கும்போது, தொழிலாளர்களுக்கு வீடு கட்டிக்கொடுப்பதற்கும் இன்னும் அதற்கு வேண்டிய காரியங்களுக்கும் கொடுக்கப்பட்டிருக்கிறது. ஆனால் திட்டவட்டமாக தொழிலாளர் என்றால் எந்தத் தொழிலாளர்கள் என்று அவர்கள் வரையறுக்கவில்லை. பல்வேறு தொழில் துறையில் பலவிதமான தொழிலாளர்கள் இருக்கிறார்கள். பல தொழில் ஸ்தாபனங்களில் வேலை செய்கிறவர்கள் இருந்தாலும், அவர்களுக்கும் இதில் வழிவகை அளிக்கப்பட்டிருக்கிறது. ஆனால் ஒரு ஸ்தாபனமும் இல்லாமல் தன் தொழிலே கதி என்று இருக்கிற சலவைத் தொழிலாளர்களுக்கு எந்தவிதமான திட்டமும் அளிக்கப்படவில்லை என்பதை வருத்தத்தோடு கனம் நிதியமைச்சர் அவர்களிடமும் தொழில் அமைச்சர் அவர்களிடமும் தெரிவித்துக் கொள்ளுகிறேன். ஹவுசிங் போர்டில் கூட இதற்கு வாய்ப்பில்லை. அதிகாரிகளிடத்தில் இதைப்பற்றிக் கூறும்போது குறிப்பிட்ட ஒரு தொகையைக் கொடுத்து சலவை தொழிலாளர்களுக்கென நீங்கள் வீடு கட்டிக்கொடுங்கள் என்றால், தாங்கள் வேண்டிய உதவியைச் செய்யத் தயாராயிருக்கிறோம்

28th August 1961] [Sri M. Ethirajalu]

என்று சொல்கிறார்கள். நான் அடிக்கடி இதுபற்றி இந்தச் சட்ட மன்றத்திலேயே கேட்டுக்கொண்டிருக்கிறேன். தொழில் ஸ்தாபனத்தைச் சேர்ந்த தொழிலாளர்களுக்கு அந்தந்த முதலாளிகள் வந்து செய்கிறார்கள். ஒன்றுமே இல்லாமல் திக்கற்றவர்களாய் தன் கையே தனக்குதவி என்று வாழும் தொழிலாளர்களைப்பற்றி ஒன்றும் கவனிக்கவேண்டாமா என்று தயவுசெய்து கேட்டுக் கொள்கிறேன். வேறுவிதமாகப் பேசவேண்டுமென்று நான் இங்கு இதைச் சொல்லவில்லை. குறிப்பாகக் கேட்டுக்கொள்ளுகிறேன். 4-00 p.m. இந்தத் தமிழகத்தில் காலை முதல் மாலை வரை வேலை செய்கிற சலவைத் தொழிலாளர்கள் போன்றவர்களுக்கு வீடுகள் கட்டிக் கொடுக்க என்ன திட்டம் தயாரிக்கப்பட்டிருக்கிறது ? ஒன்றுமில்லை என்பதைத் தாழ்மையுடன் தெரிவித்துக்கொள்ளுகிறேன். எல்லோரும் அவர்களுக்கு முதலாளிகள். எந்த முதலாளியிடம் போய்க் கேட்டால் பணம் கொடுப்பார்கள்? ஓலையில் கட்டப்பட்ட வீடுகளில் விலை உயர்ந்த துணிமணிகளை வைத்துக்கொண்டு கஷ்டத்திற்கும் நஷ்டத்திற்கும் ஆளாகிறார்கள். ஆகையால், அவர்களுக்கு நீண்டகாலக் கடனுவது கொடுத்து வீடு கட்டிக்கொள்ள வசதி செய்யவேண்டுமென்று அமைச்சர் அவர்களைக் கேட்டுக் கொள்கிறேன். திக்கற்றவர்களுக்கு தெய்வமே துணை என்பது போல திக்கற்று இருக்கும் அவர்களுக்கு அரசாங்கமே தெய்வமாக இருந்து அதைச் செய்துதரவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

மக்கள் முன்னேற்றத்தை அடிப்படையாகக் கொண்டு மிக நல்ல முறையில் அமைக்கப்பட்டிருக்கும் இந்த 67 லட்ச ரூபாய்க்கான நல்ல திட்டத்தை இந்த சபை முழு மனதுடன் அங்கிகரிக்க வேண்டுமென்று கேட்டுக்கொண்டு முடித்துக்கொள்கிறேன்.

* **SRI M. SUBBIAH CHETTIAR** : உயர்திரு தலைவர் அவர்களே, இந்த நமது சென்னை அரசாங்க உபமானிய கோரிக்கையில் ரூ. 67 லட்சம் தங்களுக்குக் கொடுத்துதவ நமது கவுன்சிலில் அனுமதியைக் கேட்டிருக்கிறார்கள். இந்த இடத்தில் சில வார்த்தைகள் சொல்ல விரும்புகிறேன்.

முதலில் இப்போது திருச்சி, தஞ்சாவூர், கோயம்புத்தூர் மாவட்டங்களில் ஏற்பட்ட வெள்ள நிவாரணத்திற்கு ரூ. 25 லட்சம் ஒதுக்கவேண்டுமென்று கேட்டிருக்கிறார்கள். இது மிகவும் நியாயமாகும். ஆனால் இவ்வளவு ரூபாய் போதுமா என்றுதான் நான் கேட்டுக்கொள்ளுகிறேன். வெள்ளச் சேதத்தினால் கடுமையாகப் பாதிக்கப்பட்ட மக்களுக்கு இந்த ரூபாய் போதாது என்று சொல்லி நிறைய அரசாங்கம் கொடுத்து வசதி செய்துகொடுக்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். முக்கியமாக இந்த வெள்ளத்தினால் ஏற்பட்ட சேதம் ஒரு புறம் இருக்க, இந்த வெள்ளத்தைத் தடுப்பதற்குப் பல வழிகள் செய்வதற்கு பல லட்சம் ரூபாய் செலவு செய்ய நேரிட்டாலும் நேரிடலாம். தீர ஆராய்ந்து அதைச் செய்தால் பின்னால் வெள்ளம் வருகிற காலத்தில் நமக்குப்

பல இடைஞ்சல்கள் இல்லாமல் இருக்கும் என்று சொல்லிக்கொள்கிறேன். அதோடுகூட இந்த வெள்ளத்தில் அரசாங்கத்தின் ஜாக்கிரதை போதாது என்பதையும் தெரிவித்துக்கொள்ளுகிறேன். காவேரியில் எவ்வளவு வெள்ளம் வந்தாலும்கூட, கொள்ளிடம் திறந்து விடப்பட்டால் மக்களுக்கு இடைஞ்சல் ஏற்படாது என்பது அனுபவத்தில் கண்ட உண்மை. கொள்ளிடத்தில் வந்த வெள்ளம் காவேரியை உடைத்துக்கொண்டு போகக்கூடிய நிலைமை ஏற்பட்டு கொள்ளிடம் நிலை உயர்ந்து காவேரி நிலை தாழ்ந்து விட்டதால் அந்த வெள்ளம் காவேரியில் அடித்துக்கொண்டுபோய் திருக்காட்டுப்பள்ளி முதலிய ஊர்களுக்குச் சேதம் ஏற்படுத்தி விட்டது என்பதை அரசாங்கம் அறியும். திரும்பவும் இம்மாதிரி ஏற்படாமல் இருக்க அரசாங்கம் சகல காரியங்களையும் எடுத்துச் செய்ய செலவு செய்யும்படி கேட்டுக்கொள்ளுகிறேன்.

அடுத்தபடியாக, அமெரிக்க 'கேர்' ஸ்தாபனத்தின் மூலம் 3 கோடி ரூபாயுக்கு மதிய உணவுக்கு வேண்டிய சாமான்கள் கொடுத்திருக்கிறார்கள். அதைப் பாராட்டவேண்டியதுதான். இதை நல்ல திட்டமென்று நானும் ஒத்துக்கொள்ளுகிறேன். எல்லோரும் ஒத்துக்கொள்ளுகிறார்கள். திட்டங்கள் நடப்பதற்கு அரசாங்கம் பொறுப்பேற்று அவைகள் வீணாகாமல் மக்களுக்கு, பள்ளிக் குழந்தைகளுக்குப் போய்ச் சேரும்படி செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

அடுத்தபடியாக, லோகல் பண்ட் டிஸ்பென்சரிகளை எடுத்துக் கொள்வதற்கு 2 லட்சம் ரூபாய் உபமானியக் கோரிக்கையில் இருக்கிறது. இப்போது உள்ள ஆஸ்பத்திரிகளில் போனால் மருந்தில்லை, டாக்டர்கள் இல்லை என்று சொல்லும் நிலைமை ஏற்பட்டிருக்கிறது. பலமுறை இது குறித்துச் சொல்லியும் இதுவரை எந்தவிதமான நிவாரணமும் அளித்ததாகத் தெரியவில்லை. இரண்டு லட்சம் ரூபாயைக் கொண்டு அந்த நிலைமை சரியாகுமா என்று சந்தேகமாயிருக்கிறது. ஆகையால் அதற்கு வேண்டிய திட்டங்கள் செய்து அதைக் கவனிக்கும்படி கேட்டுக்கொள்ளுகிறேன்.

ஹௌசிங் போர்டு விஷயமாக அரசாங்கம் 4 லட்சம் ரூபாய் கேட்டிருக்கிறது. இந்த 4 லட்ச ரூபாயைக் கொண்டு இவர்கள் எந்தத் திட்டத்தைச் சரிவர நடத்த முடியும் என்று சந்தேகமாக இருக்கிறது. இந்த ஹௌசிங் போர்டு மதராஸ் நகரத்துக்கு மட்டும் இல்லாமல் ஜில்லாவாரியாக இதற்குக் கிளைகள் ஏற்படுத்தி, நண்பர் திரு. எதிராஜுலு அவர்கள் சொன்னதுபோல் சகலருக்கும் பயன்படும்படி நிறைய ரூபாய் செலவு செய்து லோன் (கடன்) ஆகவோ வேறு எந்த முறைகளிலோ கொடுத்து வீடு வசதி செய்து கொடுத்தால் நிரந்தரமான பலன் அளிப்பதாக இருக்கும் என்று நினைக்கிறேன். இத்துடன் எனக்கு இந்தச் சந்தர்ப்பத்தைக் கொடுத்ததற்காக என் வணக்கத்தைச் செலுத்தி முடித்துக் கொள்ளுகிறேன்.

28th August 1961]

* SRI G. KRISHNAMOORTHY : Mr. Chairman, I should like to have more enlightenment by way of details from the Hon. the Minister for Education with regard to certain items in respect of which demands have been made. First of all, on page 12, paragraph 2, I find that a sum of Rs. 2,80,500 has been sanctioned from the Contingency Fund to meet the initial expenditure in regard to the distribution of the food products that we are going to get from the CARE organization and also in respect of the contribution to be made to that organization. I should like to have details as to what contribution the CARE organization expects from us as also the details as to how all these food products are going to be stocked, distributed, and utilized. As it is, the mid-day meal scheme is being worked in the rural parts. How exactly are the Government going to allocate these food products, and who is going to be in charge of these food products, their stocking, distribution, and so on? In fact, the Government must have had their own idea of how the scheme has been working during the past months. They must have also noticed some defects. What precautions are they going to take, especially when they are getting a large quantity of food products from the CARE organization, to see that the mid-day meal scheme is a success in the years to come? Now, we have provided a very huge sum in our Third Plan period in respect of the mid-day meal scheme. Whether this allotment would be reduced to the extent to which we are going to get aid from this organization, is a point on which I should like to have enlightment. If really our allotment originally made for the Third Five-Year Plan in respect of the mid-day meal scheme is to be curtailed by the figure of Rs. 3 crores to the tune of which we are going to get aid from the CARE organization, it is welcome. This sum of Rs. 3 crores can be utilised for bettering the scheme and seeing that the quality of the meal, the way of distribution, and the number of children fed are improved.

With regard to another point on the same page, that is the expansion of the Inspectorate, it has been stated that three additional District Educational Officers and one Inspectress of Girls' Schools with the necassary subordinate staff are going to be appointed. I have not dealt with this topic in this House so far though I have been here for over nine years. Now I want to open my mind upon this. We have been feeling that the papers are 4-10 p.m. delayed for over a year, ordinary papers—not only appeals in respect of termination of service but ordinary papers—which can be disposed of within a few weeks. I would like the Government to go into this question or at least appoint a committee to go into this question whether expansion of the Inspectorate is necessary by way of appointing superior officers or more of clerical staff. The delay is attributed mostly to want of necessary clerical staff. Now, we have already bifurcated our educational districts. We have 24 Educational Officers. We have added three more Educational Officers and one Inspectress. The cost comes to nearly

[Sri G. Krishnamoorthy] [28th August 1961

Rs. 1·5 lakhs a year as for seven months itself we have just provided Rs. 83,000 odd. Is it necessary to strengthen it at the top or at the bottom? During the question-hour there was the case of an appeal having been delayed for over one year and the teacher had to go without salary for that period—that is not yet decided. Papers do not easily return or rather orders are not passed for a year and in some cases for more than a year. The general reason stated for this is the dearth of clerical staff. So, I would like the Government to see whether any committee could go into the question as to how many current papers they dispose of, how many appeals they get in each district educational office with regard to termination of service or any other question, whether the clerical staff ought to be strengthened or whether more superior officers like the District Officers should be appointed. The opinion of the teachers is that more of clerical staff might lead to quicker disposal of papers, whether it is in favour of the teachers or to their detriment. Keeping the teachers in suspense for more than a year and making them not know whether they would succeed in the appeal or not is a thing that would affect the profession. Not that I am against the appointment of the three Educational Officers and the one Inspectress. But this point deserves the attention of the Government. Such delay should be avoided. Teachers naturally are not able to bring these grievances to their light except through us. This is a point which our able Finance Minister with his experience in education should take up whether he could appoint a committee to go into the question whether it is not necessary to strengthen the bottom rather than the top.

On page 13 (item v) I find that the Provident Fund system has been extended to the teaching staff employed in private polytechnics. I quite welcome it. Really all teachers, whether they are in private polytechnics or general schools or anywhere else, are to be considered as rendering national service. But I want to point out one thing. There it has been stated that 6¼ per cent should be taken as their contribution for a year. I hear that recently it has been reduced to 6 per cent on account of the introduction of the new coinage. 6 nP. is withheld from the teacher. But here I find that it is 6¼ per cent even for teachers, I would welcome it: we can also get some benefit. But the benefit has been reduced as one anna in the rupee has been converted as 6 nP. according to the new coinage.

With regard to scholarships, it is stated that our Government propose to give scholarships to three students for higher studies. I think these are Post-Graduate scholarships for higher technology in the Karagpur Institute. I am not quite sure why three subjects only are indicated there whereas electrical engineering, communication engineering, mechanical engineering and more useful subjects under engineering may advance the industries in our State. I do not know why such a meagre number as only three should be put forth for a State like ours which has got over Rs. 90 crores of

28th August 1961] [Sri G. Krishnamoorthy]

income. I can understand the scholarship amount being limited to Rs. 100 this being a start, as a sort of encouragement though that may not meet the full expenditure for a month. I do not know why the number should be limited to three and why the subjects are limited to three.

In respect of these points I would like to have clarification.

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, I rise to support the statement generally. The expenditure provided for under different heads is very good. Savings have been effected under some heads. Some of the items for which capital expenditure has been provided are very good. At the same time, there are one or two points which I want to make. First, I would mention the relief for damages caused by the recent floods in the Cauvery. A sum of Rs. 25 lakhs is provided for. It is stated as the first instalment. It has been stated in reply to a question that the total amount required may be one crore of rupees or even more. Rupees 25 lakhs is provided for immediate relief. That is perfectly right. There is no criticism on that account. But, considering the suggestions that have been made, I would like that a high power committee, consisting of experts—engineers—possibly even from America who are acquainted with the irrigation system of that country, should be appointed to go into the question and finally settle what should be the line of action that we should take so that we may prevent such unprecedented floods in future. At first some rosy picture was given but ultimately it is found that much damage has been caused. The whole kuruvai crop is lost. Even the samba crop may not be completely successful. It may not be possible to cultivate fully. There is no doubt that the recent floods have wrought havoc. Various suggestions have been made. We cannot decide their correctness by a vote here. A high power committee should study the question. Many of our engineers are experts. They should sit together and decide finally what should be done. Somebody said that the bed of the Coleroon had gone up and that, therefore, water flowed into the Cauvery. All the other bunds also have not been completely repaired. All these things have been mentioned. I would suggest that a high power committee should sit and survey the whole matter. They can even go to the Mettur Dam. Negotiation might also be conducted with Mysore. There were some difficulties, no doubt. I do not want to mention them. They are delicate matters. All these things should be taken into consideration. A high power committee should sit and finally find out what should be done. Something ought to be done. Otherwise, a havoc will be caused especially in the Papanasam taluk. Whenever there is rain in Mercara, there may be havoc. Mercara has now become Cherrapunji. Monsoons have been bad this year also. The most beautiful thing in Madras is that after the floods have gone, many lands are dried up. There is not sufficient water available. Flood has come and taken away the water also. Therefore, it is a ques-

tion of difficulty in the beginning, in the middle and later. We must have a high power committee to go into all the suggestions that have been made and chalk out a plan as to what should be done. The Food Circle which has been constituted is only for the purpose of assessing the damage and effecting repair. It is a minor matter. It would not give permanent relief. Relief by way of remission of kist and postponement of repayment of loans also should be considered.

One other small point should also be considered. Sometimes relief is given to people who do not deserve it. That is also a matter which should be seriously taken into consideration. Relief should go to the proper people.

So far as the Demand under Education is concerned, I support it.

So far as the agricultural school is concerned, if it is only one school to impart instruction in agriculture, that is not sufficient. It should be an agricultural school which will give full information on all aspects of agriculture—seasons, rainfall, etc. All these things the student must know. Otherwise, the ryots will find it difficult to know all these things. I should like to have the syllabus of the school. It should not be a replica of the syllabus of the ordinary school. It should give sufficient information about the various seeds, seasons, the time of ripening of these seeds, etc. That is a point upon which it is necessary to bestow attention. An agricultural school should be purely an agricultural school which will give full information to the students who are studying there about agriculture. Therefore, I would like to have the syllabus. I think that the information given in the Statement is
4-20 p.m. scrappy. Therefore, I would request the Hon. Minister to take into consideration this fact. It is said that in the month of Margazhi, if you look to the sun, you can find out whether there will be rain. How far such information would be useful must be judged and it should be passed on to the ryots and especially to the children of the ryots, so that hereafter agriculture may become a skilled industry. Some kind of pilot scheme for agriculture is very good but it should be done in the proper manner. The whole syllabus should be looked into and properly framed so that the school children will profit by reading in the agricultural school. So far as the scholarships in Karagpur is concerned, evidently, these three branches are not here and, therefore, it is but right that we have provided for that. But Rs. 100 a month for 9 months in my view, is not at all sufficient. My experience has been that those people who go there have to remain there during the vacation because they cannot afford to pay the high railway-fare, to come to and go from their homes. Therefore, it is better to have the scholarships for the whole year, so that if they remain there, they could have that hundred rupees during the vacation period also. I agree with Mr. Krishnamoorthy's suggestion to increase the scholarships, but it should be for the whole year, and not for nine months of the year only.

28th August 1961] [Sri K. Balasubramanya Ayyar]

As regards the mid-day meals scheme, it is a feather in the cap of our Hon. Finance Minister. That scheme has been generally approved by our Prime Minister and by one and all who came and saw it in operation. Though some people outside say small things about it, I do not give much credence to it. But one thing I must mention is that the mid-day meals instead of going to the children go to the poor people in the area. In one instance, I saw it. I am speaking, Sir, with responsibility. But I do not generalise on that account. The Government should see that the distribution agency is properly provided. Probably the Director of Public Instruction with a lot of work will not be able to do it properly, nor even the Inspectors, nor even the Supervisors. There should be a separate agency to supervise the whole thing so that the children would really get mid-day meals. I do not understand the estimate for corn meal and vegetable oil. If there is necessity, I will certainly welcome it, but generally, giving of rice is the most important thing. If that is given properly to many of our boys it will be perfectly all right. A mid-day meal with some rice is a very pleasant thing for our boys and there is no doubt about that. Instead of the corn meal, if the amount to be spent on it is added on to the rice estimate, that will be much better. Anyway it is a great thing which we, in our State have done. I find also our Finance Minister was the only person who was able to get some finance from outside, including the Union Finance Minister.

* VIDWAN SRI T. MUTHUKANNAPPAN : மதிப்பிற்குரிய தலைவரவர்களே, இந்த 1961-62-ஆம் ஆண்டுக்குரிய செலவு பற்றிய துணை கோரிக்கையை ஆதரித்து ஒருசில வார்த்தைகள். எனது மதிப்பிற்குரிய நண்பர் திரு. கிருஷ்ணமூர்த்தி அவர்கள் பேசுகிறபோது, ஒன்றைக் குறிப்பிட்டார்கள். அதைப்பற்றி மட்டும் என் கருத்தைத் தெரிவித்து முடித்துக்கொள்ளுகிறேன். மகாகவி பாரதியார் ஒரு சிறந்த தீர்க்கதரிசி என்பதை நிதர்சனமாகக் கண்டு வருகிறோம். அவர் கூறியிருக்கிறார், "வீடுதோறும் கலையின் விளக்கம், வீதிதோறும் இரண்டொரு பள்ளி, நாடு முற்றிலும் உள்ளன ஊர்கள், நகர்கள் எங்கும் பலபல பள்ளி," என்று. அந்த வாக்கானது இன்று தமிழ் நாட்டிலே மெய்யாகி வருகிறது. இந்த ஆண்டு மாத்திரம்—அனைவருக்கும் தெரியும்-- ஒவ்வொரு மாவட்டத்திலும் நூற்றுக் கணக்கான தொடக்க நிலைப் பள்ளிகள், 50, 80 என்று உயர் நிலைப் பள்ளிகள் ஏற்பட்டிருக்கின்றன. இப்படி கல்வியானது சிறந்து வருவது நம்முடைய தமிழ் நாடு உயர்ந்த நிலையில் முன்னேற்றம் அடைகிறது என்பதற்கு அறிகுறியாகும். இப்படிப் பள்ளிகளும் உயர்நிலைப் பள்ளிகளும் கல்லூரிகளும் பெருகி வரவர, இதற்குப் பொறுப்பாக உள்ள கல்வித்துறை அதிகாரிகளின் பொறுப்பு அதிகமாகிறது. அதை முன்னிட்டுத்தான் இங்கே 'கல்வி' இனத்துக்கு என்றே 86 லட்சம் ரூபாய்க்கு அனுமதி கேட்டிருக்கிறார்கள். உயர்நிலைப் பள்ளிகளும் தொடக்கநிலைப் பள்ளிகளும் அதிகமாகிவிட்டபடியாலும், இந்த மதிய உணவுத் திட்டம் எங்கும் நிறைந்து சிறந்து அமுலாக்கப்

[Vidwan T. Muthukannappan] [28th August 1961

பட்டு வருகிற காரணத்தாலும், மாவட்டக் கல்வி அலுவலர்கள், வட்ட ஆய்வாளர்கள் ஆசிரியர்கள் இவர்களுக்கு வேலை மிகமிக அதிகமாகி விட்டது. பொறுப்பும் அதிகமாகி விட்டது. உண்மை யிலேயே சமூகத் தொண்டர்கள் சிறந்த தேசீயத் தொண்டர்கள் என்று மார்தட்டிக்கொண்டு முன்வரக்கூடியவர்கள் இந்த மாவட்டக் கல்வி அலுவலர்களும், வட்ட ஆய்வாளர்களும் ஆசிரியர்களும்தான் என்ருல் மிகையாகாது. ஆகையினுல் மிகுந்த அளவில் நிறைந்திருக்கும் இந்தப் பணிகளை எல்லாம் மேற்கொள்ளுவதற்குப் புதிதாக மூன்று மாவட்ட அலுவலர்களை நியமிக்க ஏற்பாடு செய்கிருர்கள். ஒரு அம்மை யாரை ஏற்கெனவே நியமித்திருக்கிருர்கள். இது அவசியம் என்று திட்டவட்டமாக எல்லோருக்கும் தெரியவருகிறது. இது அவசியம் இல்லை என்ற முறையில் நண்பர் திரு. கிருஷ்ணமூர்த்தி அவர்கள் சொல்வதுதான் விளங்கவில்லை. மகத்தான பொறுப்போடு வேலை செய்கிருர்கள் அந்த அலுவலாளர்கள். என் நண்பர்கள் பலர் இருக்கிருர்கள். அவர்கள் வேலை செய்வதைப் பார்க்கும்போது எனக்கு வருத்தமாக இருக்கிறது. ஓய்வு உறக்கமின்றி உண்மை யான தொண்டு செய்து வருகிருர்கள். பரிதாபமாக இருக்கிறது, அவர்களது சலியாத பணியைப் பார்க்கின்றபோது. அவர்கள் தான் உண்மையான தொண்டர்கள். இப்படி சிறந்த முறையில் தொண்டு செய்யும் நிலை நமக்கு ஏற்படவில்லையே என்றுகூடச் சில சமயம் வருத்தப்பட்டிருக்கிறேன். அத்தகைய ஒப்பற்ற பணி—சேவை—செய்யும் பொறுப்பு வகிக்கும் மாவட்ட அலுவலாளர்கள் பலர் நியமிக்கப்படத்தான் வேண்டும். ஆதலால் இந்தச் செலவு நேர்மையானதுதான், அவசியமானதுதான் என்று சொல்லிக் கொண்டு முடித்துக்கொள்ளுகிறேன்.

THE HON. SRI C. SUBRAMANIAM: Sir, there has been a general welcome to the various proposals made in the supplementary grants and the usual contributor to the debate has not taken part in this discussion. I am referring to Mr. Raza Khan. That only shows there is nothing to criticise as far as supplementary grants are concerned. Mention was made about flood relief measures and also incidentally the cause of such floods. Sir, these floods are sometimes inevitable. We had floods of this magnitude in 1924. After that, the Mettur Project came into existence. It was hoped that there would not be floods of that magnitude which happened in 1924. After that, this is the first occasion when we got a flood of the magnitude, which if not equal to 1924, approaches the magnitude of the flood of 1924. One hon. Member mentioned
4-30 p.m. that it was due to the carelessness of the officials that the breaches and these damages occurred. I wish the hon. Member had gone there and seen the areas and then perhaps he would never have made the remark at all. On the other hand, the officials were quite vigilant. But in spite of their vigilance, the breaches had occurred. The Coleroon did not flow into the Cauvery in a natural way. There was a breach below Grand Anicut and it is through the breach that the Coleroon water flowed into the Cauvery and

28th August 1961] [Sri C. Subramaniam]

that caused another serious breach at Tirukattupalli. How the breach occurred at Koviladi is a matter of surmise. I want to say this because some people have made a surmise that the officials had caused the breach in order to save the Grand Anicut. I saw a paper report to that extent and one paper giving almost a headline to that. It is impossible to save the Grand Anicut by causing a breach down below the Grand Anicut. If it had to be saved by causing a breach, then it should have been caused above the Grand Anicut. The very fact that the breach was below the Grand Anicut shows that it could not have been caused for the purpose of saving the Grand Anicut. But that breach was serious enough, and there was heavy flood in the Cauvery and the Tirukattupalli breach occurred and washed away many of the paddy fields. It is not also true that crops were affected during the floods because fortunately enough, the floods came quite early in the season when transplantation had not taken place and there were no standing paddy crops on the land. There was some damage caused to the fields such as washing away of the bunds in some places. In some place damage was due to sand silting. In some other place the road metal had been washed into the fields. But all this was confined to one belt alone and that too to a narrow belt. Therefore, even though there were alarming reports in the Press, the damage was not considerable. As a matter of fact, when I was abroad, I read a news that Kumbakonam was completely submerged under water and completely cut off and that perhaps the whole of Kumbakonam would be lost. There was absolutely no basis for such a report. But still papers indulge in such sensationalism as even we in politics sometimes indulge in sensationalism. Even in publishing news about disasters, the papers sometimes indulge in such sensationalism and they exaggerate the things. Whatever it is, we have gone there and we have assessed the entire damage caused. Fortunately, the damage was not such as it had been expected. It is only a limited damage that has been caused. Sand casting was the main difficulty and this too was confined to a few thousand acres and not more than that. We are trying to remove the sand so that the fields may become fit for cultivation. Therefore, the Government are taking all necessary steps so far as that is concerned.

In this connection, the point made by the hon. the Deputy Leader of the Opposition has also to be kept in mind. We have to take a long-range view of this and take action which will protect us from these floods. We cannot prevent them. They should come and if they do not, we will not have water. But we are all agreed that we should see that when they come, such breaches do not occur. Protective measures will have to be taken for that purpose. With this end in view, we have appointed a special officer in the cadre of the Superintending Engineer who will collect all the data with reference to the 1924 floods and the recent floods and try to find out the various factors contributing to such floods. When he submits the report, then we can consider whether a committee would be necessary to go into it or whether the Chief

[Sri C. Subramaniam] [28th August 1961

Engineer himself would be able to formulate the long-range proposals for control of these floods. That can be considered after the receipt of the report from the Special Officer. The stage has not arisen to appoint a committee just now.

With regard to relief measures, they were promptly undertaken. Wherever I went, the people were very grateful to the Government. They mentioned that this time the Government came forward quite promptly to distribute the relief, whatever was available. It was not only that. Public co-operation was excellent this time. Therefore, it was not the Government agency alone that functioned. Government agency with the co-operation of the public and voluntary agencies functioned in a very thorough way. This is a very great encouraging sign because people had also contributed greatly to these relief measures. Even now thousands of rupees are pouring in for the flood relief. This is as it ought to be. Even yesterday children staged a variety show and collected a sum of Rs. 1,001 and passed on that amount to me saying that that was for the flood relief fund. When I went to the colleges, the students' organizations contributed Rs. 500, Rs. 1,000 to the relief fund. That only shows the awareness of the people to the fact that whenever there is distress, whenever there are people in difficulties, those who are better placed should go to the help of the people in need of succour.

Therefore, while I do agree that this flood had caused some damage and distress to some people, I must say on the whole we have tackled that situation quite promptly and quite efficiently. This is my view after seeing what has been done. It is always easy to be wiser after the event and to say that it could have been done this way or that way. But when a flood of a heavy magnitude is there, we have to work against the flood. We are not able to function in a normal way. We might have taken various measures and some might not have been effective. Therefore, we take alternative measures and in taking them there might have been some delay, particularly in closing some of these breaches.

I should like to take this occasion to congratulate and to pay our appreciation to all the staff, particularly the Engineering staff in the Public Works Department who worked so much not only in the closing of the breaches but also in affording relief to the people. The Police also came in a big way and they did yeoman service in taking relief to the affected people and in assisting the engineering department in closing the breaches. Not only the Police, but the Military also came in during that period and they functioned very helpfully. So, the Police and the Military, which are generally associated with the maintenance of law and order and war, came in now to render these relief measures. They rendered such good service that it created a good impression in the minds of the people. Therefore, I greatly appreciate the various steps that were taken for the purpose of meeting this flood and the various emergencies caused consequent on the flood.

28th August 1961]

SRI M. SUBBIAH CHETTIAR: The Hon. Minister was referring to an hon. Member making remarks without actually visiting the area. I presume the reference was to me and if it is so, I would like to inform the Hon. Minister and the House that from 4th July till the floods completely subsided, I was there on the banks of the Cauvery and I know what exactly happened. The Hon. Minister remarked that without going to the spot, I spoke about the flood damages. The Tamilnad Congress Committee President who visited the area also held similar opinion about the floods and, therefore, I stick to what I have said about the floods.

THE HON. SRI C. SUBRAMANIAM: I am still more sorry that the hon. Member should have made the statement even after seeing what had been done. I also went there and saw what had been done there. As I said, in the midst of the flood, perhaps you get an impression that the flood should be immediately stemmed or stopped. That is an impossibility. The Tamilnad Congress Committee President did not mention what happened during the floods and how they functioned and all that. He only said that long-term measures should have been taken long ago. As I already said, we did not expect that there would be floods of this magnitude after the construction of the Mettur Dam. Therefore, whatever measures were contemplated after the 1924 floods were put in cold storage. Now only we have a similar experience again. We should now take stock of the situation and take long-range measures. Persons who were there in 1924 are not there now. New officers are now functioning and for the first time they had to deal with a flood of this sort. There is no use in saying that the officers were careless or asking whether measures could not have been taken earlier. As I already stated, it is always easy to be wise after the event.

Something was mentioned about the expansion in the Inspectorate of the Education Department. Now we have about 27,000 elementary schools. If we look into the figures of schools which each District Educational Officer inspected formerly, it will be seen that the figure was round about 500 to 600. Now we have fixed the maximum of one thousand schools for each District Educational Officer. Therefore we require 27 Educational Officers to manage 27,000 schools. That is why we are increasing the strength of the District Educational Officers by three, so that they may be called upon to supervise roughly about 1,000 schools. We want each Deputy Inspector also to supervise about a hundred schools. It is on this basis that we are now re-organising the Inspectorate. Hon. Members may be glad to know that we are supplying jeeps to the District Educational Officers. Each District Educational Officer will get a jeep and a trailor so that it should be possible for him to move about quite easily. We are also considering whether Deputy Inspectors should get some conveyance for the purpose of quick movement. The matter is still under consideration and there fore I am unable to say anything immediately now. (Interruption

4-40 p.m.

by Sri T. P. Srinivasavaradan). The number of secondary schools also has increased. It is not fifties or eighties during this year. But 277 new secondary schools have been sanctioned. It is a record number. I do not know whether we would be able to get teachers fo rall these schools, but because people are very enthusiastic in many places, these 277 schools have been sanctioned. It is a good sign. Particularly after it was mentioned that all poor children would get concession in the secondary schools also, there is great pressure for admission in schools. After having given the concession, we cannot say, 'there is no place for these children who want to pursue their studies, in the secondary schools'. Therefore in spite of the fact that this is a huge number,we have sanctioned this number of officers so that the schools might be effectively supervised. That is why it became necessary to increase the Inspectorate. Whether the clerical staff is necessary or not depends upon the experience of the District Educational Officers. Based on their experience, if the Director of Public Instruction thinks that further strengthening of the clerical staff is also necessary and if proposals in this behalf come up, certainly they will be examined on merits and decisions will be taken. It is no use saying that the staff should be strengthened at the bottom also. We should have facts and figures with reference to the disposal of currents and how long it takes for the disposal of a current. All this is taken into consideration in the proposals that come up for additional staff. But generally we have got to be a little bit careful in sanctioning more and more staff because ultimately it adds to the current expenditure. Sometimes, the employment of a larger number of persons results in more delay. Sometimes the greater the number of staff the less work is turned out. So, we have to be careful in these things. It is not as if we are against having sufficient and necessary staff, but we should not go on indiscriminately increasing the staff. That is why, Sir, we have begun with the strengthening of the cadre of the District Educational Officers and also the Deputy Inspectors and other inspecting officers.

TRUTH ALONE TRIUMPHS

With regard to mid-day meals scheme and the CARE aid, I would give the assurance to hon. Members that all possible steps are being taken to see that this assistance received from America in the form of milk powder and cooking oil is properly accounted for. The cooking oil is very good edible oil, there is no fat in it, and therefore it can be used for cooking purposes, and it adds to the nutritive value of the diet. That is why we have accepted the aid and we want to see that this milk powder and the cooking oil reach all the 27,000 mid-day meal centres functiong in our State. A scheme has been drawn up as to how it should be received at the harbour, stored in the City, and moved from the City to the various district centres, and from the district centres to the various taluk headquarters and from there, moved again to each school and distributed there. How it should be distributed is now being regulated by rules. The various persons in charge of the mid-day meal scheme have got to send returns to the various authorities.

28th August 1961] [Sri C. Subramaniam]

We have also committees formed at the village level for the purpose of seeing that this is properly distributed and properly utilised The headmaster of the school is made the Secretary-the President perhaps may be a non-official belonging to the village. He may be the President of the Panchayat or some other responsible citizen who will take an active interest in the distribution of these things. We are aware of some of the defects and deficiencies in the organisation of the mid-day meal scheme in the past. We are trying to rectify all these defects and see that it is properly worked. I want to inform the House that with the effective distribution of the aid, it should be possible for us (and that has been assured also) that next year we get 50 per cent increase in the aid and also that the aid is stepped up by about ten per cent in the future years so that the new entrants can be properly looked after. The milk powder and the cooking oil are not for the purpose of substituting what we are already giving. They are only for the purpose of strengthening the diet which we are already giving. Therefore, this sum of Rs. 3 crores will almost be in addition to what we have provided in the Third Plan for the mid-day meal scheme. There may be saving here and there. For this purpose, we have to strengthen the administrative system, though we are taking away a little more than what we save.

SRI A. K. THANGAVEL MUDALIAR: இது எவ்வளவு நாள் இருக்கும் ?

THE HON. SRI C. SUBRAMANIAM: I expect that it may go to five years at the minimum. But immediately we have entered into agreement only for one year. But I have been assured that it would be on a long-term basis, that is, till we are enabled to organise our own resources for the purpose of working the mid-day meal scheme in a substantial way.

SRI G. KRISHNAMOORTHY: Have we to contribute to the CARE organisation?

THE HON. SRI C. SUBRAMANIAM: It is not a question of the aid being limited to one year or even for a particular period. My view is that if we utilise the aid properly, it should be possible for us to get the aid for long. Contribution is not a contribution to the CARE organisation as such. They have got to have an administrative machinery for the purpose of acting as liaison officers for making an overall supervision to see that the things are properly distributed. We have agreed to contribute to the extent that they incur expenditure in Madras in rupees. Nothing more than that. We have also to contribute to the insurance charges during the transit of the food products. There are some incidental expenses also, which we have to incur. There are the insurance charges, transit charges, and the pay and allowance of the officers who remain here for the purpose of this aid programme. That is the only contribution that we have to make.

SRI A. K. THANGAVEL MUDALIAR: ஆறு நயா பைசா கொடுத்து வருவது தொடர்ந்து இருக்குமா ?

[28th August 1961

THE HON. SRI C. SUBRAMANIAM : The 6 nP. contribution will continue to be given by the Government.

SRI T. P. SRINIVASAVARADAN : May I know from which seed is the oil extracted? In Northern India, they use the mustard oil, which does not suit us here.

THE HON. SRI C. SUBRAMANIAM : I have tasted the oil. It has got very good flavour. I find it is being widely used in America. It is found to be quite healthy. There is no fat content in it in the sense that there is no animal fat. I think it is extracted out of cotton seed or soya beans.

SRI A. K. THANGAVEL MUDALIAR : எப்படி அதை எடுப்பது என்பதைத் தயவுசெய்து சொல்லமுடியுமா ?

THE HON. SRI C. SUBRAMANIAM : That is a long story, and I do not think that it would be possible to say that now. If necessary and if any hon. Member is interested, and if there is any question on the subject, I may be able to prepare it and place it on the table of the House.

Sir, these are some of the points that have been raised. I am glad that the supplementary estimates are generally welcomed, and I can give the assurance that all these grants would be properly utilised for the benfit of our people and for the development of our State.

V. GOVERNMENT BILLS—*cont.*

(2) THE MADRAS CO-OPERATIVE SOCIETIES BILL, 1961
(L.A. BILL NO. 22 OF 1961)

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

4-50 p.m. " That the Madras Co-operative Societies Bill, 1961 (L.A. Bill No. 22 of 1961), as passed by the Assembly, be taken into consideration. "

Sir, the Madras Co-operative Societies Act was passed in 1932 under circumstances which suited the society of that time. There was an Act of 1912 and the Co-operative Societies Act of 1932 is the one which has given shape to the existing pattern of co-operative organisation. Since then so many changes have occurred in society and the progress made by people in different directions has necessitated a complete reshaping of the Co-operative Societies Act. Therefore, a consolidating and amending Act was contemplated. Even as we were considering a new Bill, certain new ideas were put forward by the Planning Commission and the Government of India wanted to prepare a model Bill and then submit it to the State Governments. So, the preparation of our Bill was delayed till the model Bill was prepared by the Government of India and then

* Printed as Appendix III on pages 56—1 infra.

28th August 1961] [Sri R. Venkataraman]

circulated to us. We have considered the model Bill and the several suggestions contained in the Planning Commission's Report and we have finally brought before this House the Madras Co-operative Societies (Amending and consolidating) Bill incorporating suggestions which we consider will be very useful for strenthening and developing the co-operative movement in our State. It is usual on an occasion like this to deal merely with the various changes which the Select Committee has made in the original Bill. I do not think that this House would like me to do that because in the Report of the Select Committee all the changes that have been made in the original Bill are carefully detailed. I would rather utilise the occasion to explain briefly what are the major changes which have been effected in the Bill before the House in relation to the existing co-operative societies structure and their organisation. That will give the House a better idea of the far-reaching changes which the new Amending and Consolidating Bill has made in the present co-operative law.

In the first place, co-operative organisation in the early part of this century was considered to be a sort of organisation of a few people with a community of interest coming together and organising various functions for themselves and for a small community. It was considered to be a voluntary organisation of those who wanted to take advantage of the benefits of the co-operative movement and intended to serve only a small group of people who wanted to take advantage of it. But to-day the concept of co-operative organisation itself has changed. We want the co-operative organisation to be a national movement. We want to entrust even the distribution of fertilisers, seeds, controlled commodities and all that to the co-operative organisation. If we expand the co-operative organisation on these lines so as to serve the vital needs of the people, then the movement has become broad-based and has become a people's movement, a national movement in which every individual will have the right to participate. So, we have now provided in this new Bill that membership of the co-operative societies in respect of those where such membership is possible should be universal, and should be available to all persons. For instance, we have co-operative societies like credit societies, marketing societies, consumer's societies and so on. These are organisations in which there need be no restriction on the admission of members. In this Bill we have provided that in the categories of societies specified in the rules or prescribed by the Registrar a person eligible for membership on mere application will become automatically a member of the society and it is only the executive of the society which objects to the admission of the member that has to file an appeal to the Registrar setting out the grounds on which that person should not be admitted and take his orders for the exclusion of that member. This gives the right to the individual to become a member of the co-operative society and has thereby furthered the principle of universal co-operation. But there are a few other societies like the weavers co-operative societies where the admission depends on his possessing a loom

[Sri R. Venkataraman] [28th August 1961

or knowledge of weaving, or a joint farming society where membership depends on his owing a bit of land or his need for work in the local farm. In those cases we have said that he must make an application and the society has to admit him. If the society or the executive of the society refuses to admit him, then the person has a right of appeal to the Registrar and the Registrar may dispose of his appeal as to whether he should be admitted or not. Therefore, this is a very important change enabling people to become members of co-operative organisations and thereby strengthening them and broad-basing them. It is no longer a closed organisation of a few people. It is made into a national organisation in which every person who wants to come in will find no impediment to his admission.

Then, there is another very important change which has been effected. The co-operative movement is spreading fast and the membership is expanding. There are also societies with an area of operation wider than a small village, in some cases extending over more than one district and in some other cases even over the whole State. A general body meeting of all these members is well-nigh impossible. Since in the co-operative movement every person present has a vote and there is no provision for proxy, the general body meetings generally tend to convey the opinion of the place at which these meetings are held. If it is a society having an area of operation over the whole State and the meeting is held in one of the district headquarters, the members present in the district headquarters, I think, constitute a large number and their opinion becomes the opinion of the general body, thereby depriving the other people of their say in the organisation.

(Sri B. K. Nallaswami in the Chair)

We have said in this Bill that in certain types of societies the by-laws of the society may, if it so wants, and shall, if so directed by the Registrar, provide that there shall be a representative general body consisting of a smaller number of members elected according to the rules to be prescribed. Now, this smaller representative general body will consist of delegates from various places and of various groups, and it will have all the powers of the general body itself except that it cannot change the constitution of the smaller general body. The smaller general body has been constituted in the by-laws and, therefore, it cannot be changed by any resolution of its own. For all other purposes it will function as a general body. This is intended to give full representative character to co-operative organisation.

Then, we have now expanded the co-operative movement in several directions. Government want to establish one co-operative society in each village and one Land Mortgage Bank in each taluk. Then in those cases the area of co-operation of the co-operative
5-00 p.m. societies has got to be changed. We have got now Agricultural Banks whose area of co-operation extends to more than three or

28th August 1961] [Sri R. Venkataraman]

four villages. Similarly we have non-Land Mortgage Banks whose area extends to more than one taluk. Whenever Government want to introduce this sound principle of having one Co-operative Land Mortgage Bank for each taluk or having one village co-operative society for each village, then resistance comes from those organizations and societies, which have a larger area of Co-operation. The Government have now provided in this Bill that if the Registrar thinks that in the interests of altering their area of co-operation, it is necessary so to do, he may direct the various co-operative societies to alter their by-laws in accordance with his wishes. The society has a right of representation against that order to the Registrar himself and if the Registrar's orders are adverse to the Government. Now this Bill is intended to give powers to the Government to implement their policies with regard to the expansion of the co-operative movement. Then, there are also occasions when societies have declined to carry out some of the policies of the Government. For instance, it is now the policy of the Government of Madras that loans should be given to agricultural labourers and tenants, i.e., to those who do not possess lands, but who cultivate the land and these loans should be made available on the strength or the security of the crop itself. In order to maximise agricultural production, we want to give credit facilities not only to land owners but to tenants also. As the by-laws stand now, in the case of several societies, it is not possible for them to give loans to persons who do not possess land, or who do not offer security of land. Now, the Government have said that in those cases, it should be possible for the Registrar to give directions to those co-operative societies to alter the by-laws in such a way as to be in conformity with the peoples of the Government. So, the power of directing a society to alter those by-laws is now vested in the Registrar, but that will be confined only to two cases, namely, where the area of operation has to be altered or where a particular service which is not given has to be given. There has been a lot of criticism about the power being vested in the Ministry to alter these by-laws. That arises out of the mistaken impression about the very basic concept of co-operation. So long as we regarded the co-operative movement as a voluntary movement in which a few people came together for the purpose of meeting their small needs, it was not necessary for the Registrar or anybody else to give any direction but once we want co-operative institutions to function as national institutions to cater to the needs of all people and to serve as the channel for the promotion of the policies of the Government, then these powers become necessary. We have taken care to see that these powers are not arbitrary. If you study the corresponding clause of Maharashtra Government Bill, you will find that it is provided that the Registrar may direct a society to alter its by-laws whereas we have said in our Bill that the Registrar may direct the society to alter the by-laws only for the purpose of either altering the area of operation or for improving the services or for any of the purposes specified in the rules. So, this is another way in which we want to expand the services to the people.

[Sri R. Venkataraman] [28th August 1961

Sir, another important change which we have made is this. There has been a lot of complaints that the services which the co-operative society renders are sometimes denied to some people or that some people are discriminated against in the service rendered. We have heard complaints that some people have been given loans and others have not been given loans, some people have been given houses and others have not been given and so on. We have given power to the Registrar in such cases, where there is complaint of discrimination or an improper refusal of services of the co-operative society to hear the appeal and then dispose of the cases. We have said that his directive shall be followed.

Then, with regard to the executive of the co-operative societies we have made some very important changes. Now all Committees of the Co-operative Societies shall have a term of three years, and one-third of the members of the Committee shall retire at the end of each year. This makes the Committee of the Co-operative Society a permanent organization, something like our Legislative Council, with a part of the members retiring at the end of each year. This will ensure that there is one executive answerable to the people at all times, and the continuity is ensured on account of these rules. We have also provided that a member of the executive shall not be a member of the Committees of more than five societies, two of them being apex societies and two others Central Societies. It is our desire that he should be in as many co-operative societies as possible. In the western countries we have seen a man holding membership of ten or more co-operative societies. It is our desire that he should be a member of any number of co-operative societies, but that he should not hold office in more than five societies. This is intended to make room for new people and a large number of people to come and participate in the management of co-operative societies. It is really intended to diversify the management and thereby enable some new people and fresh blood to come into the organisation. In the original Bill, which was presented to the Assembly we had put in two clauses. One of them was to the effect that if any member of the Co-operative Society had held office collectively for two terms, then he should not be eligible for election for a third term in the year. Also we had put in a clause that a man should not hold membership of five committees. At the time I introduced the Bill, I said the Government did not want in general to put one of the two conditions. Government agreed at the same time that without sufficient time being given to the new Bill to work and sufficient experience being gathered, they would not press further. Now in the Select Committee after a great deal of discussion, it was decided that the clause which said that "A person shall retire after two terms" should be dropped and that the other clause that a person should not hold office in more than five societies should be retained. That is how it came before the Assembly and is now before the Council.

28th August 1961] [Sri R. Venkataraman]

Then, the other important change which has been made in this Bill, is that we have provided for priorities in the distribution of the net profits of the society. At present there is no such rule and it is generally left to the rules framed by the Registrar, rules in the bye-laws and so on. In clause 62 we have said that first, 25 per cent of the net profits should be reserved for the Reserve Fund. Then the next claim is for such funds as the Government may prescribe. It is here that I want to explain that the Government have started what is known as the Credit Guarantee Fund, so that if moneys are lent to landless people, tenants and so on and if loss is suffered, it can be made good from the Guarantee and the Credit Stabilisation Fund. Therefore, if any such funds are started, a certain amount should be set apart. Then, after that, the net profit should be utilised for giving dividends. Then comes bonus to members and bonus to employees and after that, Provident fund and so on.

5-10 p.m.

We have given the order of priorities. Thereby we want to ensure that there is an equitable distribution of profit.

SRI M. ETHIRAJALU : மெம்பராக இருந்தால்தானே போனஸ் கொடுக்கப்படும்?

THE HON. SRI R. VENKATARAMAN : மெம்பருக்குத்தான் என்று கணக்கில்லை. மெம்பராக இல்லாதிருந்தாலும் கூட உண்டு. கிளார்க்குகளுக்கு எல்லாம் உண்டு.

We have made changes in the percentages. For reserve fund, formerly it was 33-1/3 per cent. Now we have made it 25 per cent and it is statutory that this provision for reserve fund should be made first and so on. We have made changes in the order of priorities. Formerly the priorities were different.

Then we have added one new and important chapter with regard to the Joint Farming Societies. We have said that only those societies where people pool the lands for general cultivation will be deemed to be Joint Farming Societies. Sections relating to these societies are included in Chapter X. Here we have provided that the by-law shall provide that the pooling of land shall not be for less than five years. It is not possible to run a joint farming society and cultivate lands for less than five years. After the lands are pooled, if a person after the expiry of the minimum period wants to get out of the Joint Farming Society, we have provided certain rules and regulations with regard to his removal. One is that he should be offered land of equal value and fertility around the periphery of the Joint Farming Society. If the member accepts it, it becomes final. If the member does not accept it or the society is not able to offer any such alternative land of equal value and fertility, then his land can be valued according to the Requisitioning and Acquisition of Immovable Property Act, and the value will be paid to the landowner. We have also provided as part of the

scheme that any person who wants to join the Joint Farming Society should agree as part of his joining the society to be bound by the rules and regulations of the Madras Requisitioning and Acquisition of Immovable Property Act, 1956. The value payable for such lands has been fixed in the said Act as the price which the lands would have fetched in the open market after deducting the value of the works constructed or twice the price which the lands would have fetched if they had been sold on the date on which they were pooled, whichever is less. If at any time the society is wound up, then the member has a right to preemption of the very land which had been taken from him. That is also provided in this Act. Then, with regard to aquisition of property for the purpose of running the joint farming societies, we have placed certain restrictions. We have said that no land shall be acquired for the purpose of running the Joint Farming Society except under specified circumstances, and the land to be acquired shall not be more than ten per cent of the area of the Joint Farming Society. Secondly, we have said that it should be only where such land is necessary for better enjoyment of the property or it serves as an obstruction to the formation of the Joint Farming Society itself. We have also provided safeguards against some people joining together and asking for requisitioning of a large part of the area for the purpose of starting a Joint Farming Society.

One other important change that has been made in the existing law is the appointment of a Tribunal to hear the appeals against the orders of the Registrar in respect of cases in surcharge or attachment of property and so on. These appeals were hitherto heard by the Registrar or by the Government. Now we have provided for an appeal to the Tribunal and the Tribunal shall be a judicial officer not below the rank of Subordinate Judge. In other cases we have provided for an appeal to the Registrar and to the Government as under the existing Act.

We have also introduced a new concept with regard to co-operative societies. In Western countries where co-operation has spread very well, the societies largely depend on mutual savings for mutual help. They do not get any assistance from the banks or the Government or the Reserve Bank as we do. They generally tap the people's savings and get by way of deposits and utilise the money for doing various services to members. We also want to experiment on that. We have, therefore, provided in our Act that those societies which do not borrow either from the Government or the financing institutions and who rely on their own resources by taking deposits and otherwise for purposes of meeting their obligations and performing their services, should be classified as self-reliant societies and exempted from the operation of a large number of provisions of this Bill.

(Mr. Chairman in the Chair.)

28th August 1961] [Sri R. Venkataraman]

This is a welcome departure because we want to develop a large number of self-reliant societies. Even to-day in our State most of the urban banks are self-reliant societies. They do not borrow from the Central Bank. They perform all their duties with the help of the deposits which they receive from the people. If we give sufficient encouragement to this type of societies, we are hopeful that we will be able to gether sufficient deposits and people's savings for the strengthening of the co-operative movement. Therefore, this has been included in the Bill and certain facilities are to be provided for these societies.

Sir, the long array of details which I have given should make it clear how important this Bill is and how far-reaching the changes we have introduced in the Bill are. It is my earnest desire that the co-operative movement should now take a very strong and healthy line. Unless we make these changes now, the co-operative movement may not prosper, may not spread and may not serve the community as we intend it should do. That is why these changes have been introduced. I am quite sure that when hon. Members have gone through all the provisions, they would appreciate that the present Bill satisfies a very urgent and a very vital need in the co-operative law.

Lastly, I wish to submit that the Select Committee has spent nearly a year over it and has pruned every one of the clauses of the Bill. It also appointed a sub-committee of the Select Committee to look into the drafting and language of the various clauses. The Select Committee has presented this Bill to the Legislature after very careful scrutiny. I wish to thank particularly the hon. Members of this House who came as invitees and rendered great assistance to the Select Committee in the preparation of this Bill.

MR. CHAIRMAN : Motion moved—

"That the Madras Co-operative Societies Bill, 1961 (L.A. Bill No. 22 of 1961), as passed by the Assembly, be taken into consideration."

* **SRI B. K. NALLASWAMI** : மன்றத் தலைவர் அவர்களே, இந்த மசோதாவை வரவேற்றுச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். இன்று நாம் ஜனநாயக யுகத்திலே இருக்கிறோம். சொசைடி-ஐக்கிய சங்கங்களில் அங்கத்தினர் பதவி மறுக்கப்பட்டவர்களில் நானும் ஒருவன். 1936-ம் வருஷம் எங்கள் ஊரில் இருக்கக் கூடிய அர்பன் பாங்கியில் அங்கத்தினராக வேண்டும் என்று விண்ணப்பிக்கும்போது, நான் பட்ட கஷ்டங்கள், அதற்கு நான் எடுத்துக்கொண்ட முயற்சிகள் எல்லாம் முன் ஒருதடவை நான் அசெம்பிளியில் அங்கத்தினராய் இருந்தபோது கூறியிருக்கிறேன். பத்து வருஷம் புரூஸ் படையெடுப்பைப் போல விண்ணப்பங்கள் போட்டு ரிஜிஸ்டிரார் வரையிலும் விசாரணை வைத்தும் கூட சேர்த்துக்கொள்ள முடியாத நிலை இருந்த காரணம் அப்

போது இருந்த விதிகள் அந்த மாதிரி நிலையில் இருந்தன. ரிஜிஸ்ட்ராருக்கும் கூட ஒரு அங்கத்தினரைச் சேர்த்துக்கொள்ளக்கூடிய நிலைமை எந்தக் கட்டத்தில் இருந்தது என்றால் அந்த சொசைடியை ஏன் கலைத்துவிடக்கூடாது என்ற காரணம் கேட்டு பின்னர் சேர்க்கும் அளவிலேதான் ஒரு அங்கத்தினரைச் சேர்த்துக் கொள்ளக்கூடிய அதிகார நிலை ரிஜிஸ்ட்ராருக்கு இருந்தது பழைய ஆக்டில். நான் அங்கத்தினராகச் சேரும்போது கூட உள்ளூரிலே முக்கியமான சமூக சேவைகள் செய்யக்கூடியவர்களை விலக்கி வைத்திருக்கிறபடியால் உங்கள் போர்ட் ஆப் டைரக்டர்களை ஏன் --சூபர்சீட்—கலைத்துவிடக்கூடாது என்று காரணம் கேட்கிற நிலையில்தான் நான் அங்கத்தினராகச் சேர்ந்தேன் என்றால் எவ்வளவு ஜனநாயக அம்சம் இருந்திருக்கிறது பழைய மசோதாவிலே என்பதை நாம் சிந்தித்துப் பார்க்க வேண்டும். ஜனங்கள் எல்லோருக்கும் **Fundamental** ரைட், அதாவது அடிப்படை உரிமை, ஐக்கிய சங்கங்களிலே அங்கத்தினர் ஆவது என்பதை ஜனநாயக யுகத்திலே யாரும் மறுக்க முடியாது. அந்த அடிப்படையை வைத்துக்கொண்டு தொழிற் சங்கத்தைத் தவிர மற்ற சங்கங்களில் சேர எல்லோருக்கும் உரிமை வழங்கப்பட்டிருப்பதால், இது ஒரு **Fundamental right clause** என்று சொல்ல வேண்டும். இது வரவேற்கக்கூடிய அம்சம். தொழிற் சங்கத்தில் தொழிலாளி அல்லாதவர்கள் சேர முடியாது. மற்ற சங்கங்களில் சேர்ந்துகொள்ளும் உரிமை ஒவ்வொரு பிரஜைக்கும் உண்டு. அப்பீல் செய்கிறவர்கள் போர்ட் ஆப் டைரக்டர்கள் என்ற அடிப்படையில் மசோதாவைத் தயாரித்திருப்பது ஒவ்வொரு பிரஜையும், இந்த நாட்டிலுள்ள ஐக்கிய சங்கத்திலே உரிமையுடன் வளர வேண்டும் என்ற எண்ணம் கொண்டவர்கள் வரவேற்கக் கூடிய, போற்றக்கூடிய விஷயம்.

அடுத்தபடியாக, இதிலே ஜனநாயக முறையிலே செலக்ட் கமிட்டி செய்திருக்கக்கூடிய சிபாரிசுகளில் கூட நான் மாறுபட்ட அபிப்பிராயம் கொண்டவனாக இருக்கிறேன். ஒரு அங்கத்தினர் 5 கமிட்டிகளில் அங்கம் வகிக்கலாம் என்று இருக்கிறது. ஆனால் பிரெசிடெண்டாக எத்தனை சங்கங்களிலே இருக்கலாம் என்பதைப் பற்றி வரையில்லை. ஐந்துக்கு மேலேயும் இருக்கலாம் என்று இருக்கிறது. அதை ரொம்ப முக்கியமான பதவி என்று கருதுகிறேன். ஐக்கிய சங்கத்திலே தற்காலத்தில் நானும் ஈடுபட்டிருக்கிறேன் என்ற முறையில், இப்போது இருக்கிற முறையிலும் ஜனநாயக முறை அங்கே சரியாக இல்லை. பிரெசிடெண்டு அநேகமாக சர்வாதிகாரி போல் இன்றும் விளங்கி வருகிறார். பிரெசிடெண்டு சொன்னால் மற்ற மெம்பர்கள் டைரக்டர்கள் எல்லாம் தலையாட்டும் நிலைதான் இருக்கிறது. காரணம் ஒரு பிரெசிடெண்டு 1921-ம் வருஷத்திலிருந்து இன்றுவரை இருந்து கொண்டிருக்கும் நிலையில், பல அதிகாரங்கள் அவருக்கு இருந்து வருகிறது தெரியும். அப்படி இருக்கும்போது அவரிடம் எத்தனையோ தாட்சண்யங்கள், சலுகைகள் பெற்றவர்கள் மெம்பர்களாகவும் டைரக்டர்களாகவும் வந்திருக்கும்போது, அவரை மாற்ற முடியும் என்று கருதுவது

28th August 1961] [Sri B. K. Nallaswami]

முடியாது. Rotation system 3-ல் 1 பங்கு டைரக்டர்கள் ரிடயர் ஆகவேண்டும் என்று சொல்லி இருப்பது ஓரளவு ஆறுதலாக இருக்கிறது. அது பரிபூரணம் என்று சொல்ல முடியாது. ஒருவர் 5 கமிட்டியில் இருக்கட்டும். ஆனால் ஐந்திலும் பிரெசிடெண்டாக இருக்கக்கூடாது என்பது என் வாதம். அப்படி நிர்வாகம் செய்வது அர்த்தம் அற்றதாகி விடும் என்று கனம் அமைச்சர் அவர்களுக்குத் தெரிவித்துக்கொள்ள விரும்புகிறேன். இரண்டில்தான் பிரெசிடெண்டாக இருக்கலாம் என்று திருத்தினால் நன்றாக இருக்கும். மூன்று சொசைட்டிகள் என்று சொன்னால்கூட அதிகம் என்று சில நண்பர்கள் கருதுகிறார்கள், அப்போது தான் நிர்வாகம் சரியாக நடக்கும். அதிலே ஒரு கிளாஸ். இந்த கிளாசில் பிரெசிடெண்டாக இருக்கிறவர்களுக்கும் ஆனரரி செக்ரடரியாக இருக்கிறவர்களுக்கும் மாறுதல் செய்தால்தான் இந்த மசோதா நல்ல ஜனநாயக அமைப்பில் அமைந்ததாக நான் கருத முடியும் மென்பதைத் தெரிவித்துக்கொள்ளுகிறேன். இந்தக் கஷ்டங்களை நாங்கள் அனுபவித்து வருகிறோம். இப்போதுள்ளவைகளில் 20, 30 வருஷங்களாக உள்ள சொசைடிகளில் 100-க்கு 50 விதம் இருக்கிறது என்பதை நான் அமைச்சர் அவர்களுக்கும் தங்களுக்கும் தெரிவித்துக்கொள்ளுகிறேன். இந்த நிலையில் அந்த இரண்டு வருஷம் 3 தடவை கமிட்டி அங்கத்தினராக இருப்பவர்கள் இரண்டு வருஷம் இடைவெளி இருக்கவேண்டும் என்று போட்டிருந்த அந்த ஷரத்தை எடுத்துவிட்டது ரொம்ப வருந்தக்கூடிய விஷயம் before என்பதை after என்று வைத்துக்கொண்டால் கூட நல்லது. மூன்று முறை அங்கத்தினராக இருத்தல் என்றால் ஜனநாயகத்திற்கு ஏற்றதாக இருக்கவேண்டும். அதற்குப் பிறகு மூன்று முறை பிரெசிடெண்டாக இருந்தால் ஒரு வருஷம் ஓய்வாக இருங்கள் என்று சொல்லிக்கொள்ளலாம். இதைச் செய்யவில்லை என்றால் அது சர்வாதிகாரப் போக்குபோல் ஆகிவிடும். 1961-ம் ஆண்டுக்கு ஏற்றதாக இந்த மசோதா அமைந்ததாக நான் கருதமுடியாது என்பதைத் தெரிவித்துக்கொள்ளுகிறேன்.

SRI A. K. THANGAVEL MUDALIAR : நான் அதை ஆதரிக்கிறேன்.

SRI B. K. NALLASWAMI : லாபத்தைப் பங்குபோட்டுக் கொள்ளக்கூடிய விஷயத்தில் 6 முதல் 8 வரை கடைசியாக இருப்பது அவசியமில்லை என்று நினைக்கிறேன். ஆறிலிருந்து எட்டு என்று இதையெல்லாம் ஏன் லிமிட் செய்கிறார்கள். இந்த மிகுந்த தொகையைச் செலவு செய்யும் அதிகாரம் மகாசபைக்கே இருக்கவேண்டும். இவைகளையெல்லாம் இப்படிச் செய்யவேண்டு மென்று கட்டுப்படுத்தி சட்டத்தில் எல்லாவற்றையும் கட்டிப் போட்டு விடுகிறார்கள். அங்குள்ளவர்கள் எதுவும் முடிவு எடுக்க முடியாத அளவில் இருக்கிறது. ஆகையால், ஜெனரல் பாடிக்கு அந்தப் பொறுப்பு இருக்கவேண்டும் என்பதுதான் என்னுடைய அபிப்ராயம்.

[Sri B. K. Nallaswami] [28th August 1961

அடுத்தபடியாக, ரிஜிஸ்ட்ரார் அவர்களுக்கு இவ்வளவு அதிகாரம் இருப்பது நியாயம் என்பதுதான் என்னுடைய அபிப்பிராயம். கத்தி இருக்கிறதென்றால் அதை ஆபரேஷனுக்கும் பயன்படுத்தலாம்; காய்கறி அரியவும் பயன்படுத்தலாம். ஆனால் அவர்களுக்குள்ள அதிகாரம் சர்ஜன் கையில் உள்ள கத்தி போன்றது. நினைத்ததற்கு எல்லாம் அதை உபயோகிக்கமாட்டார்கள். ஆபரேஷன் செய்யும் அதிகாரத்தைத்தான் அவர்களுக்குக் கொடுத்திருக்கிறோம். இன்னும் பார்க்கப்போனால் பல விஷயங்களில் அவர் தன்னுடைய அதிகாரத்தைப் பலமாகப் பயன்படுத்தித் தலையிடுவது இல்லை என்பது என்னுடைய கம்ப்ளெயின்ட். அப்படிச் செய்வதால் அங்கத்தினர்களுக்கு அதிருப்தி ஏற்படுமோ என்று நிதானமாகப் போய்க்கொண்டிருக்கிறார். ஆகையால் அது அவசியம் என்று நான் கருதுகிறேன். ஆகவே, நான் சொன்ன பிரசிடெண்ட் விஷயத்தைக் கவனித்து ஏதாவது செய்தால் இந்தக் க்ளாஸ் நன்றாக இருக்கும் என்று கேட்டுக்கொண்டு என் உரையை முடித்துக்கொள்ளுகிறேன்.

5-30 p.m. * **SRI A. J. ARUNACHALAM:** தலைவர் அவர்களே, அரசாங்கம் கொண்டு வந்திருக்கும் கூட்டுறவு மசோதாவை நான் ஆதரித்துச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். நீண்ட நாட்களுக்குப் பிறகாகிலும் அரசாங்கம் இத்தகைய ஒரு புரட்சிகரமான மாறுதலை உண்டுபண்ணக்கூடிய மசோதாவைக் கொண்டு வந்திருப்பது வரவேற்கத்தக்கது. நம்முடைய மாகாணத்தில் இந்த இயக்கம் நன்றாக வளர்ந்திருக்கிறது. வளர்ந்து வருகிறது என்பதை எல்லோரும் ஒப்புக்கொள்ளுகிறார்கள். அதே நேரத்தில் இந்த இயக்கத்தில் உள்ளவர்களும் நன்றாக வளர்ந்திருக்கிறார்கள் என்பதை மறந்துவிடக் கூடாது. இயக்கம் மக்களுடைய நன்மைக்கு, மக்களுக்கு உண்மையாகவே சேவை செய்வதற்கு உண்டானது. அதற்குச் சட்ட திட்டங்கள் எல்லாம் இருக்கின்றன. ஆனால் இதில் ஒரு சிலர் சட்ட திட்டங்களை மதித்து சேவை செய்கிறவர்களாக இருக்கிறார்கள். சட்டத்தைப் புறக்கணித்து இந்த இயக்கத்தை, ஸ்தாபனத்தைத் தங்களுடைய சுய நலத்திற்காகப் பயன்படுத்துகிறவர்களும் இருக்கிறார்கள் என்பதை நான் இந்த நேரத்தில் சொல்லாமல் இருக்கமுடியவில்லை. அமைச்சர் அவர்களும் இதை நன்றாக அறிந்திருக்கிறார்கள். ஆகையால், இந்த மசோதா ஒரு பெரிய மாறுதலைத்தான் ஏற்படுத்துகிறது என்பது வரவேற்கத்தக்கது. இதற்கு முன் இந்த சங்கத்திலே எனக்கு முன்னே பேசியவர்கள் சொல்லியபடி மெம்பர்களாக யாராவது சேர விண்ணப்பம் செய்யும்போது, நிர்வாகத்தில் உள்ளவர்கள் தங்களுக்கு ஆகாதவர் என்று தெரிந்தால், அதை உடனே தள்ளிவிடுகிறார்கள். அல்லது தங்களுக்கோ தங்களது கட்சிக்காரர்களுக்கோ அவர்களைச் சேர்த்தால் ஆதரவாக இருக்குமென்று தெரிந்தால், உடனே சேர்த்துக்கொள்வார்கள். தனக்கு ஆதரவாக இருக்கமாட்டார் என்று தெரிந்தால் காரணம் காட்டாமலேயே மெம்பராகச் சேர்த்துக்கொள்ள இயலாது என்று

28th August 1961] [Sri A. J. Arunachalam]

தெரிவித்துவிடுவார்கள். இப்போது அதில் பெரிய மாறுதல் செய்யப்பட்டிருக்கிறது. யார் வேண்டுமானாலும் விரும்பிய சங்கங்களில் மெம்பராகச் சேரலாம். அவரைச் சேர்த்துக்கொண்ட பிறகு அந்த மெம்பரினால் அந்த ஸ்தாபனத்திற்கு இடைஞ்சல் ஏற்படுவதாக நிர்வாகஸ்தர்கள் கருதினால், தக்கது செய்து கொள்வதற்கு இப்போது இடமிருக்கிறது. புதிய மெம்பர்கள் யார் வேண்டுமானாலும் சேர்க்கலாம் என்ற விதி புகுத்தப்பட்டிருப்ப தால், பழையபடி பல நல்லவர்களும் கெட்டவர்களும் இந்த இயக் கத்தில் சேருவார்கள். எப்பொழுது வேண்டுமானாலும் நன்றாக நடத்துகிறவர்கள் சுயநலம் கருதாமல் மக்களுக்குச் சேவை செய் பவர்கள் சங்கத்தினுள்ளே வரலாம். எந்த நேரத்திலும் வெளியே போகலாம். ஆனால் விரும்பத் தகாதவர்களை இந்தச் சங்கத்தி லிருந்து வெளியேற்றுவதற்கும் இதில் வாய்ப்பு இருக்கிறது. தேர்தல் இதுவரையில் பல இடங்களில் இரண்டு வருடங்களுக்கு ஒரு தரம், மூன்று வருடங்களுக்கு ஒரு தரம், வருஷத்திற்கு ஒரு தரம் என்று பலவகையாக இருந்து வந்தது. இந்த மசோதாவின் மூலமாக சிறிய சங்கங்களாக இருந்தாலும், பெரிய மாகாண அளவில் உள்ள சங்கமாக இருந்தாலும், 3 வருஷங்களுக்கு ஒரு முறை தேர்தல் வைக்கப்பட்டிருப்பது பாராட்டுக்குரியதே. எலக்ஷன் முறை சில இடங்களில் பல விதமாக வைக்கப்பட்டு வாக்குப் பதிவு செய்யப்படுகிறது. கை தூக்கும் முறையில் தேர்தல் பல இடங்களில் நடைபெறுகிறது. ஒருவருக்கு ஒருவர்மீது விருப்பமில்லாதிருந்தாலும்கூட, அவர்கள் தங்கள் எதிரில் இருக்கும்போது அதை வெளிக்காட்டிக்கொள்ள முடியாத நிலையில் மனச்சாட்சிக்கு விரோதமாகக் கை தூக்கும்படி ஆகிவிடுகிறது. இதைப் பல இடங்களில் பார்க்கிறோம். அந்த முறையும் இப்போது மாற்றப்படுகிறது. மெம்பர் தங்களுக்கு யார் வேண்டுமென்றாலும் எடுத்துக்கொள்ள 'பாலட்' முறை இப்போது வைக்கப்பட்டிருக் கிறது. சொசைடியில் வரம்பு மீறி நடக்கிறவர்களைப் பெரும் பான்மையான மெம்பர்கள் வெளியேற்ற விரும்பினால், வோட்டளிப் பதன் மூலம் அதைச் செய்வதற்கு இந்த மசோதாவில் வழிவகை செய்யப்பட்டிருக்கிறது. அதையும் வரவேற்க வேண்டியதே.

நண்பர் ஒருவர் எனக்கு முன்னே பேசியவர் தொடர்ந்து பலர் பல வருஷங்கள் இருப்பதைப்பற்றிக் குறிப்பிட்டார்கள். தொடர்ந்து பல வருஷங்கள் இருந்தாலும், சிலர் இந்த இயக்கத்தை நன்றாக வளர்த்திருக்கிறார்கள். நேர்மையாகவும் செய்திருக் கிறார்கள். சில இடங்களிலே உள்ள சங்கங்கள் தலைவராகவோ காரியதரிசியாகவோ இருக்கிற ஒருவரின் பெரு முயற்சியினால் நன்றாக வளர்ந்து அந்த ஸ்தாபனத்திலுள்ள மெம்பர்கள் அத்தனை பேருக்கும் பயன்பட்டிருக்கிறது என்பதை மறுக்க முடியாது. ஒரு சில சுயநலக்காரர்களும் இருக்கிறார்கள். அவர்களை வெளியேற்ற இப்போது அரசாங்கம் இரண்டு முறை வைத்திருக்கிறார்கள். தொடர்ந்து அவர்கள் இருக்கக்கூடாது என்று சொல்லுவது ஜன நாயகத்துக்கு விரோதம்தான். ஆரம்பத்திலே அரசாங்கம் மசோதாவிலே ஒரு ஷரத்தைச் சேர்த்திருந்தாலும்கூட, ஜனநாயக

அடிப்படையில் ஒரு மகாசபையிலே யாரை வேண்டுமானாலும் மெம்பர்கள் தேர்ந்தெடுத்துக்கொள்ள உரிமை இருக்கிறது. அந்தக் காரணத்தாலே அத்தகைய கண்டிஷன் இருப்பது உசிதம் இல்லை என்று கருதி அரசாங்கம் வாபஸ் பெற்றுக்கொள்ள வேண்டிய நிலை வந்தது. ஆனால் ஒருவரே தொடர்ந்து பல ஸ்தாபனங்களில் இருக்கக்கூடாது என்ற அபிப்பிராயத்திலே அவர்கள் உயர்ந்த பட்சம் ஒருவர் 5 ஸ்தாபனங்களில் ஒரே நேரத்தில் பதவி வகிக்கலாம் என்று நிர்ணயம் செய்திருக்கிறார்கள். இதற்கு முன் நடைமுறையில் எத்தனை ஸ்தாபனங்களில் வேண்டுமானாலும் அவர்கள் பங்கு கொள்ளலாம். தலைவர்களாக இருக்கலாம். அல்லது நிர்வாக சபையில் அங்கத்தினர்களாகவும் இருக்கலாம் என்று இருந்தது. இப்போது அது 5 ஸ்தாபனங்களாக ஆக்கப்பட்டிருக்கிறது. நண்பர் திரு. நல்லசாமி அவர்கள் 5 ஸ்தாபனங்களிலும் தலைவராகவேகூட இருக்கிறார்கள் என்று சொன்னார். ஒருவர் எந்தக் காலத்திலும் 5 ஸ்தாபனங்களில் தலைவராக இருக்க முடியாது. எங்கேயாவது ஒன்று இரண்டில்தான் இருக்க முடியும். வேண்டுமானால் மற்ற ஸ்தாபனங்களில் எக்சிகியூடிவ் கமிட்டியில் அங்கத்தினராக இருந்து அவர்களுடைய அனுபவமும் ஆலோசனையும் உதவியாக இருக்க முடியுமே தவிர 5 ஸ்தாபனங்களிலும் தலைவராக இருக்க முடியாது.

SRI B. K. NALLASWAMI : நான்கில் இருக்கிறார்.

SRI A. J. ARUNACHALAM : ஐந்திலும் இல்லை என்று நீங்களே சொல்லுகிறீர்கள். 5-ல் இருக்கலாம் என்று சொல்லும் போது மாகாண அளவில் இரண்டிலும், மத்திய-ஜில்லா அளவில் இரண்டிலும் இருக்கலாம். முக்கியமானது பிரதம சங்கம். பிரதம சங்கங்களில் மெம்பராக இருந்துதான் மத்திய சங்கங்களுக்கு **Delegate** ஆகப் போக முடிகிறது. மத்திய ஸ்தாபனங்களிலிருந்துதான் மாகாண சங்கங்களுக்கு வரவேண்டியிருக்கிறது. ஆகையினாலே 5 இடம் என்று அரசாங்கம் நிர்ணயித்திருக்கிறது. பல வருஷங்களாய் இருப்பவர்களை நீக்குவதற்கு வசதி இல்லாத காரணத்தால் 5 இடம் என்று சொல்லியிருப்பதால் அவர்களாகவே விலக வேண்டிய நிலையை இந்தச் சட்டம் ஏற்படுத்துகிறது. புதிதாக ஒரு சட்டத்தை மசோதா ரூபத்தில் கொண்டு வரும்போது முதலிலேயே எல்லா கண்டிஷன்களையும் புகுத்த நினைப்போம். அதற்குப் பிறகு நடைமுறையில் ஒரு சிலதை மாற்ற வேண்டிய நிலை வரும். இந்த மசோதாவில் புதிதாக 5 ஸ்தாபனத்தில் இருப்பது, **ballot** முறை மூலம் தேர்தெடுப்பது, மெம்பர்களாக யாரை வேண்டுமானாலும் சேர்த்துக் கொள்ளுவது என்ற பகுதிகள் சேர்க்கப்பட்டிருக்கின்றன. இது நன்றாக நடைபெறுகிறதா, இதன் முடிவு எவ்வாறு இருக்கிறது என்பதைத் தெரிந்துகொண்டு அவசியமானால் பிறகு தொடர்ந்து ஒருவர் இருக்கலாமா கூடாதா என்ற பிரச்னையை எடுத்துக்கொள்ளலாம் என்று அமைச்சர் அவர்கள் சொன்னார்கள். நான்கூட இதை ஒரு ஸ்டேஜிலே எதிர்ப்பதாக

28th August 1961] [Sri A. J. Arunachalam]

இருந்தேன். அமைச்சரவர்கள் சொல்லிய பிறகு, அவர்கள் விருப்பப்படி விடவேண்டிய நிலை வந்தது. ஆகையினாலே இந்த மசோதாவிலே புதிய பகுதிகள் எல்லாம் புகுத்தப்பட்டிருப்பது, கண்டிஷன்கள் சேர்க்கப்பட்டிருப்பது வரவேற்கத் தகுந்தது. ஆடிட் முறையைப்பற்றி-இது ரொம்ப தாமதப்படுகிறது என்பதை செலக்ட் கமிட்டியில்கூட எடுத்துச் சொல்லியிருக்கிறது. இந்த வருஷம் ஜூன் மாதம் ஆடிட் முடிப்பதாக இருந்தால் இந்த வருஷம் டிசம்பருக்குள் அந்த சங்கங்களுக்கு ஆடிட் ரிபோர்ட் கிடைத்து விடவேண்டும். இரண்டு வருஷம், 1½ வருஷம் ஆகியும் ஆடிட் முடியாமல் இருக்கிறது. ஜூன் மாதம் வருஷம் பூர்த்தியாகிறது என்றால் டிசம்பர் 6 மாதங்களுக்குள் ஆடிட்டை பூர்த்தி செய்து கொடுப்பதற்கு வேண்டிய வசதிகளைச் செய்து, ரிஜிஸ்ட்ரார் அவர்கள் கோருகிறபடி சிப்பந்திகளைக் கொடுத்து ஆடிட் தாமதப் படாமல் செய்து கொடுப்பதற்கு அரசாங்கம் வழி செய்யவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

இப்போது ரிஜிஸ்ட்ரார் அவர்களுக்கு உள்ள அதிகாரம் 5-40 p.m.
இதற்குப் பிறகும் அரசாங்கம் சிலதைக் கவனித்து முடிவு செய்ய வசதி செய்யப்பட்டிருக்கிறது. அதற்கு அடுத்தாற்போல் டிரிபியூனல் ஒன்று வைத்திருப்பது மிகவும் பாராட்டத் தக்கது. டெபுடி ரிஜிஸ்ட்ரார் அவர்களோ, ரிஜிஸ்டிரார் அவர்களோ எதை யாகிலும் செய்து அது சரி இல்லை என்று தெரிந்தால், அதை டிரிபியூனல் கடைசியாக முடிவு செய்வதற்கு ஒரு ஏற்பாடு செய்யப் பட்டிருப்பது வரவேற்கக் கூடியதே. ஆகவே, இந்த மசோதாவை, புதிய ஷரத்துக்கள் பலவும் இருப்பதினாலே, மனப்பூர்வமாக நான் ஆதரிக்கிறேன்.

MR. CHAIRMAN : The hon. Member Sri M. Seshachariar will speak now.

SRI M. SESHACHARIAR : I may be allowed to speak to-morrow, Sir.

MR. CHAIRMAN : Then, the hon. Member Sri Kamalakannan may speak now.

SRI K. KAMALAKANNAN : Let me speak to-morrow, Sir.

THE HON. SRI R. VENKATARAMAN : Sir, we may adjourn now and continue the debate to-morrow.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

VII. PAPERS LAID ON THE TABLE OF THE HOUSE.

* 432. *Notification issued with G.O. Ms. No. 1060, Home, dated 24th March 1961, regarding amendments to the Madras Liquor (Licence and Permit) Rules, 1960, consequent on the adoption of metric system of weights and measures.*

** *Report and Proceedings of the Select Committee on the Madras Co-operative Societies Bill, 1961 (L.A. Bill No. 22 of 1961) with the Bill as amended by the Select Committee.*

** *Gist of memoranda received by the Select Committee on the Madras Co-operative Societies Bill, 1961.*

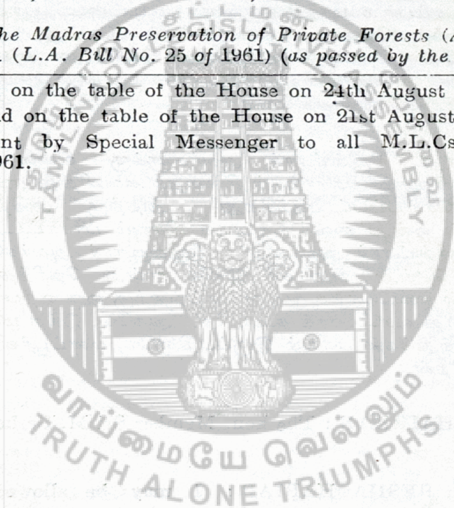
*** *The Madras Preservation of Private Forests (Amendment) Bill, 1961 (L.A. Bill No. 25 of 1961) (as passed by the Assembly).*

---

* Laid on the table of the House on 24th August 1961.

** Laid on the table of the House on 21st August 1961.

*** Sent by Special Messenger to all M.L.Cs. on 22nd August 1961.



APPENDIX I

[Vide answer to starred question No. 257 asked by Dr. A. Sreenivasan at the meeting of the Legislative Council held on 28th August 1961, page 2 supra.]

Under the National Malaria Eradication Programme, malaria surveillance has been implemented in April 1960 and is in progress presently. Thirty-one surveillance teams, each team being attached to one National Malaria Eradication Programme Unit, are functioning. Each surveillance team consists of 100 surveillance field workers and 25 surveillance inspectors on an average.

The surveillance programme envisages the active detection of cases of malaria fever from among the population by house-to-house visits by the surveillance personnel once in a fortnight. The confirmatory evidence at the occurrence of malaria is made by taking blood smears and having them examined in the National Malaria Eradication Programme Unit Laboratory. Every case of fever from which a blood slide is taken is treated preliminarily by administering 4-aminoquinoline anti-malarial drug. Upon confirmation as a specific case of malaria fever, if any, it is radically treated by administering 8-aminoquinoline anti malarial drug. Additionally, the help and co-operation of various medical agencies are sought with a view to detection of malaria cases as a means of passive surveillance.

APPENDIX II.

(Vide item V (1) on page 20 supra.)

L.A. BILL NO. 25 OF 1961

(As passed by the Assembly.)

A Bill further to amend the Madras Preservation of Private Forests Act, 1949.

WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the purpose hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1961.

2. *Amendment of section 1, Madras Act XXVII of* 1949.—In section 1, sub-section (3), of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the words, figures and letters "the 2nd December 1961" the words, figures and letters "the 2nd December 1963" shall be substituted.

[28th August 1961

APPENDIX III.

(Vide item (2) on page 10 supra.)

L.A. BILL No 22 OF 1961.

(As passed by the Assembly.)

A Bill to amend and consolidate the law relating to, and to make better provision for the organization of co-operative societies in the State of Madras.

Whereas it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among persons with common economic needs so as to bring about improvement in agriculture and industry, better methods of production, better business and better living and for that purpose to amend and consolidate the law relating to co-operative societies in the State of Madras;

Be it enacted in the Twelfth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Co-operative Societies Act, 1961.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) " by-laws " means the registered by-laws for the time being in force and includes a registered amendment of the by-laws;

(2) " committee " means the governing body of a registered society to whom the management of its affairs is entrusted;

(3) " co-operative year " means the period commencing on the first day of July of any year and ending with the 30th day of June of the succeeding year or, in the case of any registered society or class of registered societies, the accounts of which are made up to any other date with the previous sanction of the Registrar, the year ending with such date;

(4) " financing bank " means a registered society which has as its principal object the lending of money to other registered societies;

(5) " Government " means the State Government;

(6) " member " means a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with this Act, the rules and the by-laws and includes a nominal and an associate member;

28th August 1961]

(7) "nominal or associate member" means a member who possesses only such privileges and rights of a member and who is subject only to such liabilities of a member as may be specified in the by-laws;

(8) "officer" includes a president, vice-president, chairman, vice-chairman, secretary, assistant secretary, treasurer, member of committee, and any other person empowered under the rules or the by-laws to give directions in regard to the business of the society;

(9) "registered society" means a society registered or deemed to be registered under this Act;

(10) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act, and includes a person on whom all or any of the powers of a Registrar under this Act have been conferred under section 3;

(11) "rules" means rules made under this Act;

(12) "self-reliant society" means a registered society which does not receive assistance in any form from the Government under Chapter VI or from any registered society receiving such assistance from the Government.

Explanation.—A cash credit with a financing bank for the maintenance of fluid resources shall not be regarded as assistance under this clause, notwithstanding that the financing bank receives assistance from the Government;

(13) "society with limited liability" means a registered society the liability of whose members for the debts of the society on its liquidation is limited by its by-laws;

(14) "society with unlimited liability" means a registered society, whose members are, on its liquidation, jointly and severally liable for and in respect of all its obligations and to contribute to any deficit in the assets of the society;

(15) "supervising union" means a registered society which has as its principal object the organizing, assisting, developing and supervising of registered societies which are its members or the carrying on of propaganda or the spread of education in co-operative principles and practices;

(16) "Tribunal" means a Tribunal constituted under section 95 and having jurisdiction.

CHAPTER II.

REGISTRATION.

3. *The Registrar.*—The Government may appoint a person to be Registrar of Co-operative Societies for the State of Madras or any portion of it and may, by general or special order, confer on any other persons all or any of the powers of a Registrar under this Act.

[28th August 1961

4. *Societies which may be registered.*—(1) Subject to the provisions of this Act, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with limited or unlimited liability :

Provided that the liability of a society of which a registered society is a member shall be limited.

(2) Whether the liability of the members of a registered society is unlimited or limited by shares, the liability of the Government or of a financing bank, which have or has taken shares in such registered society, shall be limited to the share capital subscribed by the Government or such financing bank.

5. *Change of liability.*—(1) Subject to the proviso to sub-section (1) of section 4 and to any rules made in this behalf, a registered society may, by an amendment of its by-laws, change its liability from limited to unlimited or from unlimited to limited :

Provided that—

(i) the society shall give notice in writing of its intention to change its liability to all its members and creditors;

(ii) any member or creditor shall, notwithstanding any by-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be, within two months of the service of such notice on him and the change shall not take effect until all such claims have been satisfied; and

(iii) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1), the change shall take effect at once if all the members and creditors assent thereto.

6. *Conditions of registration.*—(1) No society, other than a society of which a member is a registered society, shall be registered under this Act which does not consist of at least ten persons and where the object of the society is the creation of funds to be lent to its members, unless such persons—

(*a*) reside or own immovable property in the same town or village or in the same group of villages;

(*b*) save where the Registrar otherwise directs, are members of the same class or occupation.

(2) The word " limited " shall be the last word in the name of every society with limited liability registered under this Act.

28th August 1961]

7. *Power of Registrar to decide certain questions.*—When any question arises whether for the purposes of this Act any person is an agriculturist or a non-agriculturist or whether any person is a resident of, or owns immovable property in, a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular class or occupation, the question shall be decided by the Registrar.

8. *Application for registration.*—(1) An application for registration shall be made to the Registrar.

(2) The application shall be signed—

(*a*) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of sub-section (1) of section 6 and sub-section (1) of section 17 and who are not disqualified for admission as members under sub-section (1) of section 18; and

(*b*) in the case of a society of which a member is a registered society, by a duly authorized person on behalf of every such registered society, and, where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

9. *Registration.*—(1) If the Registrar is satisfied that the application for the registration of a society is in accordance with the provisions of this Act and the rules and that the proposed by-laws are not contrary to this Act or the rules or to co-operative principles and that the society will, in his opinion, work successfully, he may register the society and its by-laws.

(2) If the Registrar refuses to register a society and its by-laws, he shall communicate the order of refusal with the reasons for the refusal to any person who has signed the application for the registration of the society and who has been nominated in this behalf by the persons who have signed that application.

10. *Evidence of registration.*—A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

11. *Amendment of the by-laws of registered society.*—(1) No amendment of the by-laws of a registered society shall be valid until the same has been registered under this Act.

(2) An application for the registration of an amendment of the by-laws of a registered society shall be made to the Registrar in the prescribed manner and shall be accompanied by a copy of the amendment of the by-laws.

(3) If the Registrar is satisfied that an amendment of the by-laws is not contrary to this Act or the rules, he may register the amendment :

Provided that no order refusing to register the amendment of the by-laws shall be passed except after giving the registered society an opportunity of making its representations.

(4) If the Registrar refuses to register an amendment of the by-laws of a registered society, he shall communicate the order of refusal to the registered society with the reasons for the refusal.

(5) When the Registrar registers an amendment of the by-laws, he shall issue to the registered society a copy of the amendment of the by-laws certified by him, which shall be conclusive evidence that the same is duly registered.

(6) An amendment of the by-laws of a registered society shall take effect from the date, if any, specified in the amendment. Where no such date is specified, the amendment shall take effect from the date on which it is registered.

(7) Without prejudice to the provisions of this section, where any amendment of the by-laws proposed by a society involves, in the opinion of the Registrar, a material change in the objects or operations of the society, the amendment shall be registered only subject to such rules as may be made in this behalf.

12. *Power to direct amendment of by-laws.*—(1) Where the Registrar is satisfied that for the purpose of altering the area of operations of a registered society or for the purpose of improving the services rendered by it or for any other purpose specified in the rules, an amendment of the by-laws is necessary, he may, after consulting in the manner prescribed the financing bank, if any, to which the society is affiliated, by notice in writing, call upon the society to show cause, within such time as may be specified in the notice, why the amendment should not be made.

(2) If, within the time specified in the notice referred to in sub-section (1), the registered society fails to make the amendment, the Registrar may, after giving the society an opportunity of making its representations, register the amendment and issue to the society a copy of such amendment.

(3) Any amendment of the by-laws registered under sub-section (2) shall have the same effect as an amendment of the by-laws registered under section 11 unless the registration is cancelled in pursuance of a decision in appeal.

28th August 1961]

13. *Division and amalgamation of societies.*—(1) (*a*) Any registered society may, at a meeting of its general body specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The said resolution (hereinafter in this sub-section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and may prescribe the area of operations of, and specify the members who will constitute, each of the new societies. The proposed by-laws of the new societies shall be annexed to the preliminary resolution.

(*b*) (i) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(ii) Any member of the society may, notwithstanding any by-law to the contrary, by notice given to the society within a period of one month from the date of receipt by him of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(iii) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society within the period referred to in sub-clause (ii), intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of two months from the date of despatch of the preliminary resolution to all the members and creditors of the society, a meeting of the general body of the society of which at least fifteen clear days' notice shall be given to its members, shall be convened for considering the preliminary resolution and the proposed by-laws. If, at such meeting, the preliminary resolution and the proposed by-laws of the new societies are confirmed by a resolution passed by a majority of not less than two-thirds of the members present and voting, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*e*) and section 9, but notwithstanding anything contained in section 8 and on receipt of a copy of such resolution certified in the manner prescribed register the new societies and the by-laws thereof. On such registration, the registration of the original society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are, or are not, material shall be final.

(*d*) At the meeting referred to in clause (*c*) provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (*b*); and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If the Registrar is satisfied that provision for the repayment of the share capital of all the members and for the satisfaction of the claims of all the creditors referred to in clause (*d*) has not been made, he may refuse to register the new societies.

(*f*) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under clause (*c*).

(2) (*a*) Two or more registered societies may, at meetings of their respective general bodies specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. The said resolution is hereinafter in this sub-section referred to as the preliminary resolution. The proposed by-laws of the amalgamated society shall be annexed to the preliminary resolution.

(*b*) (i) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any by-law to the contrary, by notice given to the society of which he is a member within a period of one month, from the date of receipt by him of the preliminary resolution, intimate his intention not to become a member of the amalgamated society.

(iii) Any creditor of any such society, may, notwithstanding any agreement to the contrary, by notice given to the society of which he is a creditor within the period referred to in sub-clause (ii), intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of two months from the date of despatch of the preliminary resolution to all the members and creditors of all the societies, a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution and the proposed by-laws. If, at such meeting, the preliminary resolution and the proposed by-laws are confirmed by a resolution passed by a majority of not less than two-thirds of the members present and voting, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*f*) and section 9, but notwithstanding anything contained in section 8, and on receipt of a copy of such

28th August 1961]

resolution certified in the manner prescribed, register the amalgamated society and the by-laws thereof. On such registration, the registration of the original societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are, or are not, material shall be final.

(*d*) At the joint meeting referred to in clause (*c*) provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (*b*) ; and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) The person by whom a joint meeting referred to in clause (*c*) shall be convened, the procedure to be followed thereat and the quorum therefor shall be such as may be prescribed.

(*f*) If the Registrar is satisfied that provision for the repayment of the share capital of all the members and for the satisfaction of the claims of all the creditors referred to in clause (*d*) has not been made, he may refuse to register the amalgamated society.

(*g*) The registration of the amalgamated society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

14. *Transfer of assets and liabilities among registered societies.*—(1) Two or more registered societies may, at meetings of their respective general bodies specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to effect in whole or in part a transfer among themselves of their respective assets and liabilities. The said resolution is hereinafter in this section referred to as the preliminary resolution.

(2) (*a*) A copy of the preliminary resolution of each society shall be sent to all its members and creditors.

(*b*) Any member of any such society may, notwithstanding any by-law to the contrary, by notice given to the society of which he is a member within a period of one month from the date of receipt by him of the preliminary resolution, intimate his intention to withdraw his share capital from the society.

[28th August 1961

(c) Any creditor of any such society may, notwithstanding any agreement to the contrary, by notice given to the society of which he is a creditor within the period referred to in clause (b), intimate his intention to demand a return of the amount due to him.

(3) After the expiry of two months from the date of despatch of the preliminary resolution to all the members and creditors of all the societies, a meeting of the general body of each society of which at least fifteen clear days' notice shall be given to its members, shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present and voting. either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, on receipt of a copy of such resolution certified in the manner prescribed, accord his approval for the transfer of the assets and liabilities among the societies.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are, or are not, material shall be final.

(4) At the meeting referred to in sub-section (3), provision shall be made by another resolution for—

(a) the repayment of the share capital of all the members who have given notice under clause (b) of sub-section (2); and

(b) the satisfaction of the claims of all the creditors who have given notice under clause (c) of sub-section (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in sub-section (3).

(5) (a) If the Registrar is satisfied that provision for the repayment of the share capital of all the members and for the satisfaction of the claims of all the creditors referred to in sub-section (4) has not been made, he may refuse to accord his approval for the transfer of the assets and liabilities among the societies.

(b) Any transfer of the assets and liabilities of the societies under this section without the approval of the Registrar under sub-section (3) shall be null and void.

(6) The confirmation of the preliminary resolution under sub-section (3) shall, on approval by the Registrar, be a sufficient conveyance to vest in the societies concerned the assets and liabilities transferred under this section.

15. *Classification.*—The Registrar shall, in accordance with the rules made in this behalf, classify registered societies with reference to their objects, area of operations, membership or any other matter specified in the rules.

28th August 1961]

16. *Conversion.*—Any registered society may, in accordance with the rules made in this behalf and subject to such conditions as may be specified in the rules, resolve to convert itself into a registered society of a class different from the one to which it belongs :

Provided that where any amendment of the by-laws proposed by a society is in the opinion of the Registrar such as to convert the society into a society of a class different from the one to which it belongs, the Registrar may direct the society to take action under this section.

CHAPTER III.

QUALIFICATIONS OF MEMBERS AND THEIR RIGHTS AND LIABILITIES.

17. *Qualifications for membership of society.*—(1) Subject to the provisions of section 18—

(*a*) any individual competent to contract under section 11 of the Indian Contract Act, 1872 (Central Act IX of 1872),

(*b*) any other registered society,

(*c*) the Government, and

(*d*) any body of persons whether incorporated or not and whether or not established by or under any law, if such body is approved by the Government in this behalf by general or special order,

shall be eligible for admission as a member of a registered society :

Provided that a Hindu undivided family as such shall not be eligible for admission as a member of a registered society :

Provided further that persons who are minors or of unsound mind may be admitted as members of such class of registered societies as may be prescribed and such members shall possess only such privileges and rights of members and be subject only to such liabilities of members as may be prescribed.

(2) (*a*) In the case of such class of registered societies as may be prescribed, every person qualified for membership of any such society shall, on application made in the form, if any, prescribed for the purpose, be admitted by the committee as a member of the registered society of that class :

Provided that any member admitted under this clause may, with the approval of the Registrar, be removed from membership by the committee; and any application for obtaining such approval shall be made within two months from the date of admission of such member.

(*b*) In the case of any other class of registered societies any person qualified for membership may, on application made in the form, if any, prescribed for the purpose, be admitted as a member of the society by the committee :

[28th August 1961

Provided that the committee may, for good and sufficient reason to be recorded in the minutes of the meeting at which the application for admission is considered, refuse admission to any person and the decision of the committee refusing admission shall be communicated to the applicant :

Provided further that if the decision of the committee on the application is not communicated to the applicant within a period of two months from the date of the application, then, the committee shall be deemed to have passed a decision on the date of expiry of such period refusing to admit the applicant and the date of such expiry shall be deemed to be the date of such decision for the purpose of appeal.

(3) No member of a registered society shall exercise the rights of a member unless and until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules and the by-laws.

18. *Disqualifications for membership of society.*—(1) No person shall be eligible for admission as a member of a society, if he—

(*a*) is an applicant to be adjudicated an insolvent or is an undischarged insolvent; or

(*b*) has been sentenced for any offence involving moral turpitude, such sentence not having been reversed and a period of five years has not elapsed from the date of the expiration of the sentence; or

(*c*) is a paid employee of the society or of its financing bank or of any registered society for which it is the financing bank; or

(*d*) has been expelled from membership under this Act and a period of one year has not elapsed from the date of such expulsion.

(2) A member of a registered society shall cease to be a member of the society, if he—

(*a*) applies to be adjudicated, or is adjudicated an insolvent; or

(*b*) is sentenced for any such offence as is described in clause (*b*) of sub-section (1) :

Provided that where a person ceases to be a member under this clause, he shall be restored to membership if and when the sentence is annulled on appeal or revision; or

(*c*) becomes a paid employee of the society or of its financing bank or of any registered society for which it is the financing bank; or

(*d*) is expelled from membership under this Act.

(3) The provisions of clause (*b*) of sub-section (1) and clause (*b*) of sub-section (2) shall not apply to a person seeking admission to, or to a member of, a society exclusively formed

for the reclamation of such class of persons as may be prescribed and the provisions of clause (*c*) of sub-section (1) and clause (*c*) of sub-section (2) shall not apply to a person seeking admission to, or to a member of, a registered society which has as its principal object the provision of employment to its members.

19. *Right of members to services by registered society and application for redress.*—(1) Every member of a registered society shall be entitled to the services available to the members of the registered society under the provisions of its by-laws and such services shall, on application made by him, be rendered to him by the committee.

(2) If any member of any registered society is refused any service, or where the decision of the committee on his application for services is not communicated to him within a period of one month from the date of such application, he may apply to the Registrar for redress.

(3) An application to the Registrar under sub-section (2) shall be made within one month from the date of receipt of the decision of the committee refusing the service where any service is refused or within two months from the date of application to the society where the decision of the committee has not been communicated.

(4) If the Registrar is satisfied that the refusal of any service is unreasonable, improper or discriminatory, he may after giving the committee an opportunity of making its representations, by order, direct the committee to render the service.

(5) Where any service is rendered by the committee in pursuance of an order under sub-section (4) the committee and the member to whom such service is rendered shall have the same rights and be subject to the same liabilities in relation to such service as if no such order has been made.

20. *Expulsion.*—(1) Any member of a registered society who has acted adversely to the interests of the society may be expelled upon a resolution of the general body passed at a special meeting convened for the purpose by the votes of not less than two-thirds of the total number of the members present and voting at the meeting.

(2) No member shall be expelled under sub-section (1) without being given an opportunity of making his representations and until the resolution referred to in that sub-section is approved by the Registrar. A copy of the resolution expelling the member as approved by the Registrar shall be communicated to the member.

21. *Votes of members.*—(1) (*a*) No member of a registered society shall have more than one vote in the affairs of the society.

[28th August 1961

(b) Every question which may come before a meeting of a registered society or of the committee shall be decided by a majority of the members present and voting at the meeting and in every case of equality of votes, the question shall be deemed not to have been decided:

Provided that—

(a) in the case of an equality of votes at an election, the choice shall be by casting lots;

(b) the society may by its by-laws restrict the right of a member to vote in any specified matter;

(c) where the Government or a financing bank is a member of the society, every person nominated to the committee of the society by the Government or the financing bank as the case may be, shall have one vote;

(d) a nominal or an associate member shall not be entitled to vote;

(e) save as otherwise provided in the by-laws, a member who is a minor or of unsound mind shall not be entitled to vote.

(2) A registered society which has invested any part of its funds in the shares of another registered society may appoint one of its members not disqualified for such appointment under the rules or the by-laws of such other society to vote in the affairs of such other society.

(3) Save as provided in sub-section (1) or sub-section (2), no member of a registered society shall vote by proxy.

(4) Notwithstanding anything contained in this section, the nominee of the Government or of the financing bank shall not be entitled to vote at elections.

22. *Inspection of accounts by member.*—Any member of a registered society may, at any time during office hours and on payment of such fee as may be prescribed, by himself or by an agent who is a member specially authorized by him in writing, inspect the accounts of the society in so far as they relate to his transactions with it.

23. *Restrictions on transfer of share or interest.*—No transfer by a member of any share held by him or his interest in the capital of a registered society or any part thereof shall be valid unless,—

(a) the member has held such share or interest for not less than one year;

(b) the transfer is made to the society or to a member of the society; and

(c) the transfer is approved by the committee of the society.

28th August 1961]

24. *Transfer of interest on death of member.*—(1) Subject to the provisions of section 34, on the death of a member of a registered society, the society shall transfer the share or interest of the deceased member in the capital to the person nominated in accordance with the rules, or, if no person has been so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member :

Provided that such nominee, heir or legal representative, as the case may be, being eligible for admission, is admitted as a member of the society :

Provided further that nothing in this sub-section shall prevent a minor or a person of unsound mind from acquiring by inheritance or otherwise the share or interest of a deceased member in the capital of the society.

(2) Notwithstanding anything contained in sub-section (1) and subject to such conditions as may be specified in the rules, a registered society may of its own motion and shall, if so required by any such nominee, heir or legal representative, as the case may be, pay to him the value of the share or interest of the deceased member in the capital ascertained in accordance with the rules.

(3) A registered society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(4) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

25. *Liability of past member or of the estate of a deceased member.*—(1) Subject to the provisions of sub-section (2), the liability of a past member or of the estate of a deceased member of a registered society for the debts of the society as they existed—

(*a*) in the case of a past member, on the date on which he ceased to be a member; and

(*b*) in the case of a deceased member, on the date of his death,

shall continue for a period of two years from such date :

Provided that the liability of the Government or of a financing bank which have or has taken shares in a registered society shall cease on the date on which the Government or the financing bank cease or ceases to be a member.

(2) Where the Registrar has by order in writing under sub-section (1) of section 85 directed a registered society to be wound up, the liability of a past member or of the estate of a deceased member who ceased to be a member or died within

[28th August 1961

two years immediately preceding the date of the order shall continue until the entire liquidation proceedings are completed, but such liability shall extend only to the debts of the society as they existed on the date of his ceasing to be a member or on the date of his death, as the case may be.

CHAPTER IV.

MANAGEMENT OF REGISTERED SOCIETIES.

26. *General meetings.*—(1) (*a*) Subject to the provisions of this Act, the rules and the by-laws, the ultimate authority of a registered society shall vest in the general body of its members :

Provided that nothing contained in this clause shall affect the exercise by the committee or any officer of a registered society of any power conferred on such commitee or such officer by this Act or the rules or the by-laws.

(*b*) Notwithstanding anything contained in clause (*a*) where the area of operations of a registered society is not less than such area as may be prescribed, or where the registered society consists of not less than such number of members as may be prescribed, the registered society may, and if so directed by the Registrar shall, provide by an amendment of its by-laws for the constitution of a smaller body consisting of such number of the members of the registered society as may be prescribed, elected in accordance with the rules (hereinafter referred to as the representative general body) to exercise all or any of the powers of the general body as may be specified in the by-laws and any reference, by whatever form of words, in this Act to the general body or a meeting thereof shall, where a representative general body has been constituted under this clause, have effect in respect of the powers exercisable by the representative general body as if such reference were a reference to the representative general body or a meeting thereof, as the case may be :

Provided that the representative general body shall not alter any provision in the by-laws relating to its constitution or powers.

(*c*) The exercise of any power by the representative general body shall be subject to such restrictions and conditions as may be prescribed by the rules or the by-laws.

(2) A general meeting of a registered society shall be held once in a year for the purpose of—

(*a*) approval of the budget for the ensuing year with reference to the programme of the activities of the society prepared by the committee;

(*b*) election of the members of the committee;

28th August 1961]

(*c*) consideration of the audit report and the annual report;

(*d*) disposal of the net profits; and

(*e*) consideration of any other matter which may be brought forward in accordance with the by-laws.

(3) (*a*) The committee may, at any time, call a special general meeting of the registered society, and shall call such a meeting within one month of the date of a requisition in that behalf from—

(i) such number of the members or proportion of the total number of members as may be specified in the by-laws; or

(ii) the committee of the supervising union to which the society is affiliated; or

(iii) the committee of the financing bank to which the society is affiliated; or

(iv) any other registered society of such class as may be prescribed for the purpose; or

(v) the Registrar.

(*b*) The requisition referred to in clause (*a*) shall be in writing and shall specify the subjects that shall be placed for consideration at the special general meeting.

(4) (*a*) If the committee refuses or fails to call a meeting in accordance with a requisition under clause (*a*) of sub-section (3), or if, in the opinion of the Registrar, there is no committee or officer competent under this Act or the rules or the by-laws to call a meeting, or if there be a dispute regarding the competence of the committee to function, the Registrar may call the meeting himself.

(*b*) (i) If, at a special general meeting of the registered society called in pursuance of such requisition or by the Registrar himself under clause (*a*) of this sub-section the quorum is not present, the meeting shall stand adjourned to such other day and at such other time as the committee or the Registrar, as the case may be, may determine.

(ii) If, at the adjourned meeting also, a quorum is not present for holding the meeting, the members present shall be a quorum.

(iii) In respect of any meeting called under clause (*a*) of this sub-section, the Registrar may, notwithstanding anything contained in the by-laws of the society or of the supervising union, determine the period of notice for such meeting, the time and place of the meeting and the subjects to be considered thereat and may preside over such meeting or authorize any person to so preside.

[28th August 1961

(5) The Registrar may order that the expenses incurred in calling the special general meeting shall be paid out of the funds of the society or the supervising union or any other registered society at whose instance such meeting was called or by such person as, in the opinion of the Registrar, was responsible for the refusal or failure to call the meeting under sub-section (4).

27. *Appointment of committees.*—(1) The general body of a registered society shall constitute a committee in accordance with the by-laws and entrust the management of the affairs of the registered society to such committee.

Provided that, in the case of a society registered after the commencement of this Act, the persons who have signed the application to register the society may appoint a committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider necessary; but the committee appointed under this proviso shall cease to function as soon as a committee has been constituted in accordance with the by-laws :

Provided further that where the by-laws so provide, the Government or the Registrar may nominate all or any of the members of the committee for such period as may be specified in the by-laws.

(2) Where the Government or a financing bank have or has taken shares in, or given financial or other assistance to, a registered society, the Government or the financing bank, as the case may be, may nominate to the committee such number of persons not exceeding three or one-third of the total number of members of the committee, whichever is less, as the Government may determine. The Government or the financing bank may at any time withdraw any person or persons so nominated and fill up the vacancy or vacancies by fresh nomination.

(3) (*a*) The term of office of an elected member of any committee constituted under this Act shall be three years :

Provided that, as nearly as may be, one-third of the members elected to the committee at the first election shall retire at the end of the first year after such election and, as nearly as may be, another one-third of the members elected as aforesaid shall retire at the end of the second year after such election, the members so to retire at the end of the first and second years aforesaid being determined by lot by the committee.

(*b*) The term of office of a member of any committee nominated thereto by the Government, the Registrar or the financing bank, if such member is a non-official, shall be three years.

28th August 1961]

(c) Notwithstanding anything contained in clause (a) but subject to such conditions as may be specified in the rules, the Registrar may, for reasons to be recorded in writing, direct that the term of office of the members of the committee who are to retire under that clause shall extend up to such date as he may fix.

(4) The election of the members of the committee shall be by ballot in such manner as may be prescribed :

Provided that any casual vacancy in the office of a member of the committee shall be filled in such manner as may be specified in the rules or the by-laws and a member of the committee filling a casual vacancy shall hold office so long only as the member of the committee whose place he takes would have been entitled to hold office if the vacancy had not occurred.

28. *Disqualifications for membership of committee.*—(1) No person shall be eligible for being elected or appointed as a member of a committee if he—

(a) is such near relation as may be prescribed of a paid employee of the registered society; or

(b) (i) is in default to the society or to any other registered society in respect of any loan or loans taken by him for such period as is prescribed in the by-laws of the society concerned or in any case for a period exceeding three months :

Provided that a member of the committee who has ceased to hold office as such under this sub-clause shall not be eligible for a period of one year from the date on which he ceased to hold office, for re-election as a member of the committee of the registered society of which he was a member or for election to the committee of any other registered society; or

(ii) is a person against whom any decree, decision, award or order referred to in section 91 has been obtained; or

(c) is interested directly or indirectly in any contract made with the society, or in any sale or purchase made by the society privately or in any auction or in any contract or transaction of the society (other than investment and borrowing) involving financial interests, if the contract or transaction be subsisting or if the contract, sale, purchase or transaction be not completed :

Provided that this clause shall not apply to such class of contracts, sales, purchases or transactions as may be prescribed ; or

(d) is employed as legal practitioner on behalf of the registered society or against the registered society or on behalf of or against any other registered society which is a member of the former registered society; or

[28th August 1961

(*e*) is a nominal or an associate member; or

(*f*) is a minor or of unsound mind; or

(*g*) has been sentenced for any offence under this Act, such sentence not having been reversed and a period of three years has not elapsed from the date of the expiration of the sentence.

(2) A member of the committee shall cease to hold his office as such if he—

(*a*) becomes subject to any of the disqualifications mentioned in sub-section (1):

Provided that where a member of the committee ceases to hold his office as such by reason of having been sentenced for any offence under this Act, he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration if and when the sentence is annulled on appeal or revision and any person elected or appointed to fill the vacancy in the interim shall on such restoration vacate office; or

(*b*) ceases to be a member of the registered society; or

(*c*) purchases directly or indirectly any property of another member brought to sale for recovery of any money due from such other member to the society.

(3) (*a*) No person shall, at the same time, be a member of the committees of more than five registered societies.

(*b*) Subject to the provisions of clause (*a*), no person shall, at the same time, be a member of the committees of more than two registered societies which, under the rules, are classified as apex societies or of the committees of more than two registered societies which are classified as aforesaid as central societies.

(*c*) If any person is, on the date of his election or appointment as a member of the committee—

(i) a member of the committees of five registered societies; or

(ii) a member of the committees of two registered societies which are classified in the manner specified in clause (*b*) as apex societies or central societies, and the committee to which he is elected or appointed on that date is the committee of any such apex society or, as the case may be, central society;

then, his election or appointment on the date aforesaid shall be void.

(*d*) (i) If any person is, at the commencement of this Act, a member of the committees of more than five registered societies, then, at the expiration of the period of ninety days

28th August 1961]

from such commencement, he shall cease to be a member of the committees of all such registered societies, unless he has previously resigned his membership of the committees of all but five of those societies.

(ii) If any person is at the commencement of this Act, a member of the committees of more than two registered societies which are classified in the manner specified in clause (b) as apex or central societies, then, subject to the provisions of sub-clause (i) and at the expiration of the period specified in that sub-clause he shall cease to be a member of the committees of all such apex societies or, as the case may be, central societies, unless he has previously resigned his membership of the committees of all but two of such apex societies, or, as the case may be, central societies.

(e) Nothing in this sub-section shall apply to a member nominated to the committee by the Government or the Registrar.

(4) No member of a committee against whom an order under sub-section (1) of section 71 has been passed, such order not having been set aside, shall be eligible for election or appointment as a member of the committee for a period of three years from the date of such order.

(5) (a) No member of a committee which has been superseded shall be eligible for election or appointment to the committee for a period of three years from the date of expiry of the period of supersession.

(b) No member of a committee in respect of which proceedings for supersession under section 72 are pending shall be eligible for election or appointment to the committee till the termination of those proceedings.

(6) Any question as to whether a member of the committee was or has become subject to any of the disqualifications mentioned in this section, shall be decided by the Registrar.

TRUTH ALONE TRIUMPHS

CHAPTER V.

DUTIES AND PRIVILEGES OF REGISTERED SOCIETIES.

29. *Address of societies.*—Every registered society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof within thirty days of such change.

30. *Copy of Act, rules and by-laws to be open to inspection.*—Every registered society shall keep a copy of this Act and of the rules governing such society and of its by-laws and a register of its members open to inspection free of charge at all reasonable times at the registered address of the society.

[28th August 1961

31. *Societies to be bodies corporate.*—The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

32. *First charge of society.*—(1) Subject to the prior claim, if any, of the Government in respect of land revenue or any money recoverable as land revenue, any debt or outstanding demand due to a registered society from any member or past member or the estate of a deceased member shall be a first charge—

(i) upon the crops or other agricultural produce of such member for the raising of which the loan was taken from the registered society by such member; and

(ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, supplied or purchased in whole or in part out of the loan of money given by the registered society, or on any articles manufactured from raw materials so supplied, or purchased or on any workshop, godown, or place of business constructed or purchased out of any such loan.

(2) No property or interest in property which is subject to a charge in favour of a registered society under sub-section (1) shall be sold or otherwise transferred or converted in any manner without the previous written permission of the society.

(3) A member or a past member or the nominee, heir or legal representative of a deceased member of a registered society shall, if so required by the society, deposit with, or entrust to the custody of, the society such property as is subject to a charge under sub-section (1) at such place and in such manner as may be prescribed by the rules until the debt or outstanding demand due to the society is fully paid and shall also pay towards all expenses incidental to the removal, transport or maintenance of the property so deposited or entrusted to custody. The charges connected with the removal, transport or maintenance of such property shall be recovered from the member or the past member or the estate of the deceased member, as the case may be, in accordance with such scale as may be prescribed.

(4) Notwithstanding anything contained in any law for the time being in force, any transaction made in contravention of sub-section (2) shall be null and void.

(5) The charge created by sub-section (1) in favour of a registered society shall be available as against any claim of the Government arising from a loan granted under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), after the grant of the loan by the society.

28th August 1961]

33. *Charge of immovable property of members borrowing loans from certain registered societies.*—Notwithstanding anything contained in this Act or in any other law for the time being in force—

(i) a member who makes an application for a loan to a registered society of which the majority of the members are agriculturists shall, if he owns land, or other immovable property, make a declaration in the form prescribed, if any, that he thereby creates a charge upon such land or other immovable property or such portion thereof as may be specified in the declaration, in respect of the loan which the society may make to the member on the application and future loans, if any, that may be made to him, from time to time, by the society together with interest on such loan or loans;

(ii) a declaration made under clause (i) may be varied or cancelled at any time by the member with the previous written permission of the society in favour of which such charge has been created;

(iii) no land or other immovable property in respect of which a declaration has been made under clause (i) or any part of such land or other immovable property or any interest in such land or other immovable property shall be sold or otherwise transferred until the entire amount of the loan or loans taken by the member from the society together with interest thereon is paid to the society; and any transaction made in contravention of this clause shall be null and void;

(iv) the declaration made under clause (i) or any variation or cancellation thereof under clause (ii), shall be sent by registered post by the society to the sub-registrar having jurisdiction over the area in which the land or the other immovable property is situated;

(v) on receipt of the declaration or variation or cancellation, the sub-registrar shall register such declaration or variation or cancellation and issue a copy thereof to the registered society;

(vi) any declaration made under clause (i) or any variation or cancellation thereof under clause (ii), which has not been registered under clause (v) shall be null and void.

34. *Charge and set-off in respect of shares or interest of member.*—A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past or deceased member and upon any dividend, bonus or profits payable to a member or a past member or the estate of a deceased member in respect of any debt due from such member or past member or the estate of such deceased member to the society, and may set off any sum credited or payable to a member or past member or deceased member or the estate of a deceased member in or towards payment of any such debt.

[28th August 1961

35. *Financing bank not to have a claim on certain sums of money.*—No financing bank shall have a charge upon or be entitled to set off towards any debt due from a registered society—

(i) any sum invested by a registered society with it out of the reserve fund; or

(ii) any sum invested with it by such society out of the provident fund established under section 63.

36. *Shares, interest, etc., not liable to attachment.*—Subject to the provisions of section 34, the share or interest of a member in the capital of a registered society or the amount to the credit of an employee of the society in the provident fund established under section 63, including contributions, if any, made to the fund by the society or any sum invested by the society from out of the provident fund accumulations shall not be liable to attachment or sale under any decree or order of a court in respect of any debt or liability incurred by such member or employee of the society, as the case may be, and neither the Official Assignee under the Presidency-towns Insolvency Act, 1909 (Central Act III of 1909), nor a Receiver under the Provincial Insolvency Act, 1920 (Central Act V of 1920), shall be entitled to or have any claim on such share, interest, amount or sum.

37. *Reserve fund and bad debt reserve not liable to attachment.*—The reserve fund or the bad debt reserve of a registered society invested by such society in accordance with the provisions of section 60 shall not be liable to attachment under any decree or order of a court in respect of any debt or liability incurred by the society.

38. *Register of members.*—Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein :—

(*a*) the date on which the name of any person was entered in such register or list as a member; and

(*b*) the date on which any such person ceased to be a member.

39. *Proof of entries in societies' books.*—(1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as may be prescribed by the rules, be received in any suit or legal proceeding as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

28th August 1961]

(2) No officer or liquidator of a registered society and no officer in whose office the books of a registered society are deposited after liquidation shall, in any legal proceeding to which the society or the liquidator is not a party, be compelled to produce any of the society's books the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of the court or the arbitrator made for a special cause.

40. *Deduction from salary or wages.*—(1) A member of a registered society may execute an agreement in favour of that society providing that his employer or the officer disbursing his salary or wages shall be competent, on a requisition in writing from the society, to deduct every month from the salary or wages payable to him such amount as may be specified in the requisition towards the amount due by him to the society in respect of any debt or other demand owing by the member to the society from time to time.

(2) (*a*) Where any such agreement as is referred to in sub-section (1) has been executed by a member of a registered society, the employer or the officer disbursing the salary or wages of such member shall, on receipt of a requisition from the society, make the deduction from the salary or wages payable to the member in accordance with the requisition, and pay, within such time as may be specified in the rules in respect of any society or class of societies, the amount so deducted to the society.

(*b*) Where the amount to be deducted in any month in accordance with the requisition made by a society, or where a requisition has been made by two or more societies in respect of the same person, the total amount to be deducted in accordance with all the requisitions, exceeds one-half of his entire gross salary or wages for the month, the employer or the officer disbursing the salary or wages shall deduct from the salary or wages of such person only a sum representing one-half of his entire gross salary or wages for the month. The amount deducted shall, where deductions have been made against requisitions received from two or more societies, be paid by the employer or the officer disbursing the salary or wages to all the societies in proportion to the amounts to be deducted according to their requisitions :

Provided that where any amount is due to such class of registered societies as may be specified in the rules, the entire gross salary or wages for the month or such portion thereof as may be specified in the rules in respect of any such class of societies may be deducted and paid as aforesaid.

(3) The employer or the officer disbursing the salary or wages shall maintain such registers as may be prescribed by the rules.

[28th August 1961

(4) The provisions of this section shall apply to all such agreements of the nature referred to in sub-section (1) as are in force at the commencement of this Act.

(5) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.

(6) If any employer or the officer disbursing the salary or wages of any such member as is referred to in sub-section (1), fails to comply with any of the provisions of this section, he shall be punishable with fine which may extend to five hundred rupees :

Provided that nothing contained in this sub-section shall apply to the Government or any officer of the Government.

(7) Nothing contained in this section shall apply to establishments under a railway administration operating any railway as defined in clause (20) of Article 366 of the Constitution.

41. *Exemption from compulsory registration of instruments relating to shares and debentures of registered society.*—Nothing in clauses (*b*) and (*c*) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (Central Act XVI of 1908), shall apply to—

(1) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in whole or in part of immovable property; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title, or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

42. *Right to set off where a registered society purchases immovable property at a sale under Madras Act II of 1864 for any sum due to it.*—Where, under this Act or any rule made thereunder, any sum due to a registered society from any person is recoverable as an arrear of land revenue and the immovable property of such person is brought to sale under the provisions of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), and the society is the purchaser at such sale, the provisions of section 36 of the said Act shall

28th August 1961]

apply thereto as if for the third and fourth clauses thereof the following clauses were substituted, namely :—

" *Third.*—The sum due to the purchaser shall be set off, in whole or in part, against the purchase money and the remainder, if any, of the purchase money shall be paid to the Collector or other officer empowered by the Collector in that behalf within thirty days of the date of sale.

Fourth.—Where the purchaser refuses or omits to complete the payment of the remainder, if any, of the purchase money, the property shall be resold at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the property, on the second sale, sells for a higher price than at the first sale, the difference or increase shall be the property of him on whose account the said first sale was made."

43. *Power to exempt from stamp duty and registration fee.*—The Government, by notification, may, in the case of any registered society or class of registered societies, remit—

(*a*) the stamp duty [not being the stamp duty referred to in clause (*a*) of sub-section (2) of section 9 of the Indian Stamp Act, 1899 (Central Act II of 1899)], with which, under any law for the time being in force, instruments executed by or on behalf of or in favour of a registered society or by an officer or member and relating to the business of such society or any class of such instruments or decisions, awards or orders of the Registrar or arbitrators under this Act are respectively chargeable; and

(*b*) any fee payable under the law of registration for the time being in force.

CHAPTER VI.

STATE AID TO REGISTERED SOCIETIES.

44. *Investment by Government in registered societies.*—(1) The Government may subscribe directly to the share capital of a registered society.

(2) Notwithstanding any agreement to the contrary, the Government shall not be entitled to any dividend on the shares taken by them with any such registered society at a rate higher than that at which such dividend is payable in respect of any other share in that society.

45. *Provision of funds by Government to apex society.*—The Government may, subject to appropriation by law, provide moneys to a registered society (hereinafter in this Chapter referred to as the apex society) for the purchase of shares in other registered societies.

46. *Partnership of Government with apex society.*—(1) An apex society which is provided with moneys by the Government under section 45 shall, with such moneys, establish a fund to be called the 'Principal State Partnership Fund.'

[28th August 1961

(2) An apex society shall utilize the Principal State Partnership Fund for the purpose of—

(*a*) directly purchasing shares in other registered societies;

(*b*) providing moneys to a registered society (hereinafter in this Chapter referred to as the central society) to enable that society to purchase shares in other registered societies (hereinafter in this Chapter referred to as the primary societies);

(*c*) making payments to the Government in accordance with the provisions of this Chapter;

and for no other purpose.

47. *Subsidiary State Partnership Fund.*—(1) A central society which is provided with moneys by an apex society from the Principal State Partnership Fund shall, with such moneys, establish a fund to be called the 'Subsidiary State Partnership Fund'.

(2) A central society shall utilize the Subsidiary State Partnership Fund for the purpose of—

(*a*) purchasing shares in primary societies;

(*b*) making payments to the apex society in accordance with the provisions of this Chapter;

and for no other purpose.

48. *Approval of Government for purchase of shares.*—No shares shall be purchased in a registered society from the moneys in the Principal State Partnership Fund or the Subsidiary State Partnership Fund except with the previous approval in writing of the Government.

49. *Liability to be limited in respect of certain shares.*—Where shares are purchased in a registered society by—

(*a*) the Government; or

(*b*) an apex society or a central society from the Principal State Partnership Fund or the Subsidiary State Partnership Fund, as the case may be,

the liability in respect of such shares shall, in the event of the registered society being wound up, be limited to the amount paid in respect of such shares.

50. *Restrictions on amount of dividend.*—An apex society which has purchased shares in other registered societies from the moneys in the Principal State Partnership Fund and a central society which has purchased shares in primary societies from the moneys in the Subsidiary State Partnership Fund shall be entitled only to such dividend on the said shares as is declared by the society concerned and is payable to other shareholders of that society.

28th August 1961]

51. *Indemnity of apex and central societies.*—(1) If a registered society in which shares are purchased from the Principal State Partnership Fund is wound up or is dissolved, the Government shall not have any claim against the apex society which purchased the shares in respect of any loss arising from such purchase :

Provided that the apex society shall remit to the Government any money received from the liquidator of the dissolved society in repayment of the share capital invested in the society from the said Partnership Fund and any dividend paid on such share capital.

(2) If a registered society in which shares are purchased from the Subsidiary State Partnership Fund is wound up or is dissolved, neither the Government nor the apex society shall have any claim against the central society which purchased the shares in respect of any loss arising from such purchase :

Provided that the central society shall credit to the Subsidiary State Partnership Fund and remit to the apex society to the credit of the Principal State Partnership Fund any money received from the liquidator of the dissolved society in repayment of the share capital invested in the society from the Subsidiary State Partnership Fund.

52. *Disposal of share capital and dividend, etc.*—(1) All moneys received by an apex society in respect of shares of other registered societies purchased from the money in the Principal State Partnership Fund on redemption of such shares or by way of dividends or otherwise shall be credited to that Fund.

(2) All moneys received by a central society in respect of shares of primary societies purchased from the moneys in the Subsidiary State Partnership Fund on redemption of such shares or by way of dividends or otherwise, shall in the first instance be credited to that Fund and then transferred to the apex society which shall credit them to the Principal State Partnership Fund.

(3) All moneys and dividends referred to in sub-section (1) and sub-section (2) shall, notwithstanding that the shares stand in the name of the apex society or the central society, as the case may be, be paid to the Government.

(4) Save as provided in sub-section (3), the Government shall not be entitled to any other return on the moneys provided by them to an apex society under section 45.

53. *Disposal of Principal State Partnership Fund and Subsidiary State Partnership Fund on winding up of an apex or central society.*—(1) If an apex society which has established a Principal State Partnership Fund is wound up or is dissolved, all moneys to the credit of, or payable to, that Fund shall be paid to the Government.

[28th August 1961

(2) If a central society which has established a Subsidiary State Partnership Fund is wound up or is dissolved, all moneys to the credit of, or payable to, that Fund shall be paid and credited to the Principal State Partnership Fund from which it received moneys under clause (*b*) of sub-section (2) of section 46.

54. *Principal State Partnership Fund and Subsidiary State Partnership Fund not to form part of assets.*—Any amount in a Principal State Partnership Fund or a Subsidiary State Partnership Fund shall not form part of the assets of the apex society or the central society, as the case may be.

55. *Agreement by Government and apex societies.*—Subject to the foregoing provisions of this Chapter—

(*a*) the Government may enter into an agreement with an apex society setting out the terms and conditions on which they shall provide moneys to the apex society for the purpose specified in sub-section (2) of section 46;

(*b*) an apex society may, with the previous approval of the Government, enter into an agreement with a central society, setting out the terms and conditions on which it shall provide moneys to that society from the Principal State Partnership Fund for the purpose specified in clause (*b*) of sub-section (2) of section 46.

56. *Other forms of State aid to registered societies.*—Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may—

(*a*) grant loans or make advances to any registered society;

(*b*) guarantee the repayment of principal and payment of interest on debentures issued by a registered society;

(*c*) guarantee the repayment of share capital of a registered society and dividends thereon at such rates as may be specified by the Government;

(*d*) guarantee the repayment of principal and payment of interest on loans and advances to a registered society;

(*e*) guarantee the repayment of deposits received by a registered society and payment of interest on such deposits; and

(*f*) give financial assistance in any other form including subsidies, to any registered society.

57. *Provisions of this Chapter to override other laws.*—The provisions of sections 45 to 55 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

28th August 1961]

CHAPTER VII.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES.

58. *Restrictions on loans.*—(1) A registered society shall not make a loan to any person other than a member :

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society :

Provided further that a registered society may make such loans as may be specified in the by-laws to any of its paid employees.

(2) Notwithstanding anything contained in sub-section (1), a registered society may make a loan to a depositor on the security of his deposit.

(3) The Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

59. *Restrictions on borrowings.*—A registered society shall receive deposits and loans only to such extent and subject to such conditions as may be prescribed by the rules or the by-laws.

60. *Investment of funds.*—Subject to the provisions of sub-section (3) of section 58, a registered society may invest or deposit its funds—

(*a*) in the Government Savings Bank, or

(*b*) in any of the securities specified in section 20 of the Indian Trusts Act, 1882 (Central Act II of 1882), or

(*c*) in the shares or securities of any other registered society, provided that no such investment shall be made in the shares of any society with unlimited liability except with the general or special sanction of the Registrar and subject to such limits as may be specified by him from time to time, or

(*d*) with any bank or person carrying on the business of banking, approved for this purpose by the Registrar, or

(*e*) in any other mode permitted by the rules.

61. *Funds not to be divided among members.*—(1) No part of the funds of a registered society, except net profits as declared by the Registrar for the purposes of this Act, shall be divided by way of bonus or dividend or otherwise among its members :

Provided that payment may be made to a member for work done by him as secretary or as clerk on such scale as may be prescribed by the by-laws.

[28th August 1961

(2) Save as provided in sub-section (1), no payment shall be made out of the funds of a registered society to the president or to any officer of the society by way of honorarium for any service rendered by him to the society.

62. *Disposal of net profits.*—The net profits of any registered society as declared by the Registrar for the purposes of this Act in respect of any co-operative year shall be appropriated—

firstly, for being credited to a reserve fund, the amount so credited being not less than twenty-five per cent of the net profits;

secondly, towards contribution to such other funds and at such rates as may be specified in the rules;

thirdly, towards payment of dividends on shares to members at such rate as may be specified in the rules;

fourthly, towards payment of bonus to members and paid employees of the registered society at such rate and subject to such conditions as may be specified in the rules;

fifthly, towards contribution to the co-operative education fund at such rate not exceeding two per cent of the net profits as may be specified in the rules;

sixthly, towards contribution to such other funds and at such rates as may be specified in the by-laws;

seventhly, towards contribution to the common good fund at such rate not exceeding ten per cent of the net profits as may be specified in the rules; and

eighthly, the balance, if any, of the net profits being credited to the reserve fund.

63. *Provident fund.*—(1) A registered society may establish a provident fund for the benefit of its employees to which shall be credited all contributions made by the employees and the society in accordance with the by-laws.

(2) A provident fund established by a registered society under sub-section (1)—

(*a*) shall not be used in the business of the society;

(*b*) shall not form part of the assets of the society; and

(*c*) shall not be liable to attachment or be subject to any other process of any court or other authority.

CHAPTER VIII.

AUDIT, INQUIRY, INSPECTION, SURCHARGE AND SUPERSESSION.

64. *Audit.*—(1) The Registrar shall audit or cause to be audited by some person authorised by him by general or special order in writing in this behalf the accounts of every registered society once at least in every year.

28th August 1961]

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of the cash balance and securities and a valuation of the assets and liabilities of the society.

(3) The Registrar or the person authorised by him under sub-section (1) shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession of, or responsible for, the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(4) Every person who is, or has at any time been, an officer or employee of the society and every member and past member of the society shall furnish such information in regard to the transactions and working of the society as the Registrar or the person authorised by him may require.

(5) The Registrar may, by order in writing, direct any officer of the society to take such action as may be specified in the order to remedy within such time as may be specified therein the defects, if any, disclosed as a result of the audit.

(6) Every registered society shall pay to the Government such fee for the audit of its accounts for each co-operative year as may be fixed by the Registrar in accordance with the rules made in this behalf and the fee levied for audit shall be recoverable in the manner specified in section 94 :

Provided that the Government may remit the whole or any part of the fee payable for audit by any society or class of societies for any co-operative year.

65. *Inquiry.*—(1) The Registrar may, of his own motion and shall, on the application of a majority of the committee or of not less than one-third of the members or on the request of the Collector, hold an inquiry, or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely :—

(*a*) He shall at all reasonable times have free access to the books, accounts, documents, securities, cash and other properties belonging to, or in the custody of, the society and may summon any person in possession of, or responsible for, the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(*b*) He may seize the books, accounts or documents of the society, if he considers that such seizure is necessary to ensure the safety of such books, accounts or documents or to

facilitate his inquiry, and shall give the person from whose custody the books, accounts or documents have been seized a receipt for the same :

Provided that the books, accounts or documents so seized shall be retained by him only for so long as may be necessary for their examination and for the purpose of inquiry :

Provided further that the books, accounts or documents shall not be retained for more than sixty days at a time except with the permission of the next higher authority.

(*c*) He may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society and may examine such person on oath and may summon any person to produce any books, accounts or documents belonging to him or in his custody if the Registrar or the person authorised as aforesaid has reason to believe that such books, accounts or documents contain any entry relating to transactions of the society.

(*d*) (i) He may, notwithstanding any rule or by-law prescribing the period of notice for a general meeting of the society or for a meeting of the committee, require any officer or officers of the society to call a general meeting or a meeting of the committee at such time and place at the headquarters of the society or any branch thereof to consider such matters as may be specified by him and the provisions of sub-clauses (i) and (ii) of clause (*b*) of sub-section (4) of section 26 shall apply to any meeting called under this sub-clause as if it were a meeting called in pursuance of a requisition under clause (*a*) of sub-section (3) of that section.

(ii) If the officer or officers of the society refuses or refuse or fails or fail to call such meeting or if in the opinion of the Registrar there is no committee or officer or officers competent under this Act, the rules or the by-laws to call such meeting, or if there be a dispute regarding the competence of the committee, officer or officers to call such meeting, the Registrar or the person authorised by him under sub-section (1) shall have power to call the meeting himself and the provisions of clause (*b*) of sub-section (4) of section 26 and sub-section (5) of that section shall apply to such meeting as if it were a meeting called under clause (*a*) of the said sub-section (4).

(3) When an inquiry is held under this section, the Registrar shall communicate the result of the inquiry—

(i) in case the Government have subscribed directly to the share capital of the registered society or in case any moneys are due from the registered society either to the Principal State Partnership Fund or to the Subsidiary State Partnership Fund referred to in Chapter VI, to the Government or to any officer appointed by the Government in this behalf ;

28th August 1961]

(ii) to the financing bank, if any, to which the society is affiliated; and

(iii) to the society concerned.

(4) The Registrar may, by order in writing, direct any officer of the society or its financing bank to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed as a result of the inquiry.

66. *Inspection.*—(1) The Registrar may, of his own motion, or on the application of a creditor of a registered society, inspect or direct any person authorized by him in this behalf by general or special order in writing to inspect the books of the society and the Registrar or the person so authorized shall have all the powers of the Registrar when holding an inquiry under section 65 :

Provided that no such inspection shall be made or directed on the application of a creditor unless the creditor—

(*a*) satisfies the Registrar that the debt is a sum then due and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(*b*) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) Where an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection,—

(*a*) where the inspection is made on his own motion, to the society; and

(*b*) where the inspection is made on the application of a creditor, to the creditor and to the financing bank, if any, to which the society is affiliated.

(3) The Registrar may, by order in writing, direct any officer of the society to take such action as may be specified in the order to remedy within such time as may be specified therein the defects, if any, disclosed as a result of the inspection.

67. *Inspection of books by financing bank.*—A financing bank shall have the right to inspect the books of any registered society which is indebted to it. The inspection may be made either by an officer of the financing bank authorized by the committee of such financing bank or by a member of its paid staff certified by the Registrar as competent to undertake such inspection. The officer or member so inspecting shall at all reasonable times have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may also call for such information, statements and returns

[28th August 1961

as may be necessary to ascertain the financial condition of the society and the safety of the sums lent to it by the financing bank.

68. *Costs of inquiry and inspection.*—(1) Where an inquiry is held under section 65 or an inspection is made under section 66, the Registrar may, after giving the parties an opportunity of making their representations, apportion the costs, or such part of the costs as he may think right, between the society, the members or creditors demanding an inquiry or inspection, the officers or former officers of the society. Costs may also be awarded by the Registrar to the financing bank in the case of inspection under section 67, by the financing bank.

(2) Any sum awarded by way of costs under sub-section (1) may be recovered as if it were an arrear of land revenue.

69. *Registered society to pay certain expenses.*—Every registered society shall pay to the Government such sum as may be determined in the prescribed manner in respect of any special or additional staff employed by the Government for the purpose of the society.

70. *Suspension of officer or servant of society.*—(1) Where in the course of an audit under section 64 or an inquiry under section 65 or an inspection under section 66 or section 67, it is brought to the notice of the Registrar that a paid officer or servant of a registered society has committed or has been otherwise responsible for misappropriation, breach of trust or other offence, in relation to the society, the Registrar may, if in his opinion, there is *prima facie* evidence against such paid officer or servant and the suspension of such paid officer or servant is necessary in the interests of the society, direct the committee of the society pending the investigation and disposal of the matter, to place or cause to be placed such paid officer or servant under suspension from such date and for such period as may be specified by him.

(2) On receipt of a direction from the Registrar under sub-section (1), the committee of the registered society shall, notwithstanding any provision to the contrary in the by-laws, place or cause to be placed the paid officer or servant under suspension forthwith.

(3) The Registrar may direct the committee to extend from time to time, the period of suspension and the paid officer or servant suspended shall not be reinstated except with the previous sanction of the Registrar.

71. *Surcharge.*—(1) Where in the course of an audit under section 64 or an inquiry under section 65 or an inspection under section 66 or section 67 or the winding up of a

28th August 1961]

society, it appears that any person who is or was entrusted with the organization or management of the society or any past or present officer or servant of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society or has caused any deficiency in the assets of the society by breach of trust or wilful negligence or has made any payment contrary to this Act, the rules or the by-laws, the Registrar himself, or any person specially authorized by him in this behalf, of his own motion or on the application of the committee, liquidator or any creditor or contributory may inquire into the conduct of such person or officer or servant and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar or the person authorized as aforesaid thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, misapplication of funds, fraudulent retainer, breach of trust or wilful negligence as the Registrar or the person authorized as aforesaid thinks just:

Provided that no such inquiry shall be held after the expiry of six years from the date of any act or omission referred to in this sub-section:

Provided further that no order shall be passed against any person referred to in this sub-section unless the person concerned has been given an opportunity of making his representations.

(2) Any sum ordered under this section to be repaid to a registered society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf by the Registrar to the Collector in the same manner as arrears of land revenue.

(3) This section shall apply notwithstanding that such person or officer or servant may have incurred criminal liability by his act.

72. *Supersession of committee.*—(1) (*a*) If, in the opinion of the Registrar, the committee of any registered society is not functioning properly or wilfully disobeys or wilfully fails to comply with any lawful order or direction issued by the Registrar under this Act or the rules, he may, after giving the committee an opportunity of making its representations, by order in writing, dissolve the committee and appoint either a person (hereinafter referred to as the special officer) or a committee of two or more persons (hereinafter referred to as the managing committee) to manage the affairs of the society for a specified period not exceeding two years.

(*b*) The period specified in such order may, at the discretion of the Registrar, be extended from time to time provided that such order shall not remain in force for more than four years in the aggregate.

[28th August 1961

(2) Where a special officer is appointed, the Registrar may appoint an advisory board consisting of not more than five persons to advise the special officer in such matters as may be specified by him.

(3) The special officer or the managing committee appointed under sub-section (1) shall, subject to the control of the Registrar and to such directions as he may, from time to time, give, have power to exercise all or any of the functions of the committee or of any officer of the society and to take such action as may be required in the interest of the society.

(4) The Registrar may fix the remuneration payable to the special officer or the managing committee appointed under sub-section (1). The amount of remuneration so fixed and such other expenditure incidental to the management of the society during the period of supersession as may be approved by the Registrar shall be payable from the funds of the society.

(5) The special officer or the managing committee appointed under sub-section (1) shall, at the expiry of the period of his or its appointment arrange for the constitution of a new committee in accordance with the provisions of this Act, the rules and the by-laws.

(6) Before taking any action under sub-section (1) in respect of any registered society, the Registrar shall consult the financing bank to which the society is indebted.

(7) Nothing contained in this section shall be deemed to affect the power of the Registrar to order the winding up of the society under section 85.

(8) An order under sub-section (1) shall take effect from the date specified therein unless stayed by an order of the Government. Where an order under sub-section (1) is reversed on appeal, the special officer, or the managing committee, as the case may be, appointed under sub-section (1) shall forthwith hand over the management of the society to the committee.

CHAPTER IX.

SETTLEMENT OF DISPUTES.

73. *Disputes.*—(1) If any dispute touching the constitution of the committee or the management or the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises—

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

28th August 1961]

(*b*) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or servant of the society, or

(*c*) between the society or its committee and any past committee, any officer, agent or servant, or any past officer, past agent or past servant, or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased servant of the society, or

(*d*) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation.—For the purposes of this section, a dispute shall include—

(i) a claim by a registered society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member whether such debt or demand be admitted or not, and

(ii) a claim by a registered society against a member, past member or the nominee, heir or legal representative of a deceased member for the delivery of possession to the society of land or other immovable property resumed by it for breach of the conditions of assignment or allotment of such land or other immovable property :

Provided that no dispute relating to, or in connection with, any election to a committee shall be referred under this sub-section till the date of the declaration of the result of such election.

(2) The Registrar may, on receipt of such reference,—

(*a*) decide the dispute himself or transfer it for disposal to any person subordinate to and empowered by him; or

(*b*) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators.

(3) Subject to such rules as may be prescribed, the Registrar may withdraw any dispute referred under sub-section (1) to any person subordinate to him or transferred under clause (*a*) or referred under clause (*b*) of sub-section (2) by the Registrar or any person subordinate to him and—

(*a*) decide the dispute himself; or

(*b*) transfer it for disposal to any person subordinate to and empowered by him; or

(*c*) refer it for disposal to an arbitrator or arbitrators; or

(*d*) re-transfer the same for disposal to the person from whom it was withdrawn; or

(*e*) refer it for disposal to the arbitrator or arbitrators from whom it was withdrawn.

(4) If a question arises, whether for the purposes of this section, any person is or was a member of a registered society, or whether any dispute referred for decision is a dispute touching the constitution of the committee, or the management or the business of the society, such question shall be decided by the Registrar.

(5) Where any dispute referred to the Registrar under sub-section (1) or withdrawn by him under sub-section (3) relates to immovable property, the Registrar or the person or the arbitrator or arbitrators to whom it is transferred, referred or re-transferred under sub-section (2) or sub-section (3) may, on the application of a party to the dispute, direct that any person who is interested in such property, whether such person be a member or not, be included as a party to the dispute and any decision that may be passed on the reference, by the Registrar, the person, the arbitrator or arbitrators aforesaid, as the case may be, shall be binding on the party so included, provided that he shall be liable only to the extent of such property.

(6) The Registrar may pass such interlocutory orders as he may deem fit in the interests of justice.

CHAPTER X.

JOINT FARMING SOCIETIES.

74. *Application of Chapter.*—This Chapter shall apply only to joint farming societies.

75. *Definitions.*—In this Chapter, unless the context otherwise requires,—

(1) "competent authority" means any person or authority authorized by the Government, by notification, to perform the functions of the competent authority under this Chapter for such area as may be specified in the notification;

(2) "joint farming society" means a registered society, which has as its object the cultivation on a joint basis of the lands of the members pooled for the purpose and such other lands owned or possessed by such registered society, where substantially the members or the members of their families engage themselves in such cultivation and are remunerated for the services rendered by them to the society;

(3) "person interested" in relation to lands, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the acquisition of those lands under sub-section (2) of section 81;

(4) "works" includes buildings, structures and improvements of every description.

28th August 1961]

76. *Admission of members.*—Notwithstanding anything contained in section 17, every application for membership of a joint farming society shall be considered by the committee which may grant or refuse admission.

77. *Creation of charge in favour of joint farming society by a member.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, a member of a joint farming society whose lands have been pooled in the manner set out in clause (2) of section 75, shall, if so required by such society, make a declaration in the form prescribed that he thereby creates a charge upon those lands in respect of any loan taken by the joint farming society in connection with or to facilitate the operations of such society and the charge so created shall be deemed to have been transferred to the person from whom the joint farming society has taken the loan.

(2) No declaration made under sub-section (1) shall be varied or cancelled by a member without the previous written permission of the joint farming society, and the joint farming society shall not give such permission without the approval of the person to whom the charge stands transferred under sub-section (1).

(3) (*a*) No land in respect of which a declaration has been made under sub-section (1) or any part of such land or any interest in such land shall be sold or otherwise transferred without the previous written permission of the joint farming society, and such permission shall not be given by the joint farming society without the approval of the person to whom the charge stands transferred under sub-section (1).

(*b*) Notwithstanding anything contained in any law for the time being in force, any transaction made in contravention of clause (*a*) shall be null and void.

(4) The declaration made under sub-section (1) or any variation or cancellation thereof shall be sent by registered post by the joint farming society to the sub-registrar having jurisdiction over the area in which the lands are situated.

(5) On receipt of the declaration, variation or cancellation, the sub-registrar shall, notwithstanding anything contained in any law for the time being in force, register such declaration, variation or cancellation and issue a copy thereof to the joint farming society.

(6) Any declaration made under sub-section (1) or any variation or cancellation thereof which has not been registered under sub-section (5) shall, notwithstanding anything contained in this Act or in any other law for the time being in force, be null and void.

78. *Agreement between the joint farming society and its members in respect of lands.*—A joint farming society may require any of its members to pool his lands for the

[28th August 1961

purpose of cultivation by the joint farming society on a joint basis and for that purpose to place those lands at the disposal of the joint farming society for such period not being less than five years as may be agreed upon by the joint farming society and such member.

79. *Vesting of lands in joint farming society and registration of agreement.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, every member of a joint farming society whose lands have been pooled in the manner set out in clause (2) of section 75 shall in addition to the declaration made under sub-section (1) of section 77, execute an agreement with the joint farming society specifying the period for which the lands shall vest in the joint farming society, the basis on which the share of his income shall be determined, and such other matters as may be prescribed.

(2) The agreement executed under sub-section (1) shall be sent by registered post by the joint farming society to the sub-registrar having jurisdiction over the area in which the lands are situated.

(3) On receipt of the agreement, the sub-registrar shall, notwithstanding anything contained in any law for the time being in force, register such agreement and issue a copy thereof to the joint farming society.

(4) Any agreement executed under sub-section (1), which has not been registered under sub-section (3) shall, notwithstanding anything contained in this Act or in any other law for the time being in force, be null and void.

80. *Prohibition against withdrawal of lands during the period of agreement.*—Notwithstanding anything contained in this Act or in any other law for the time being in force, no member of a joint farming society whose lands have been pooled in the manner set out in clause (2) of section 75, shall, before the expiry of the period specified in the agreement executed by him under sub-section (1) of section 79, be entitled or allowed to withdraw the lands so pooled by him from the possession or control of the joint farming society.

81. *Disposal of lands after the expiry of the agreement.*—(1) The joint farming society may, after the expiry of the period specified in the agreement executed by the member under sub-section (1) of section 79, purchase the lands pooled in the manner set out in clause (2) of section 75 by such member or exchange those lands for other lands of equal value belonging to the joint farming society.

(2) (*a*) Notwithstanding anything contained in sub-section (1), the Government may, if they are of opinion that it is necessary to acquire the lands specified in sub-section (1), at any time, acquire those lands by publishing in the *Fort*

St. George Gazette, a notice to the effect that the Government have decided to acquire the lands in pursuance of this sub-section :

Provided that before publishing such notice, the Government shall call upon the owner of, or any other person who, in the opinion of the Government, may be interested in, the lands to be acquired to show cause why the lands should not be acquired; and after considering the cause, if any, shown by any person interested in the lands and after giving the parties an opportunity of making their representations, the Government may pass such orders as they deem fit.

(*b*) When a notice as aforesaid is published in the *Fort St. George Gazette* the lands to which such notice relates shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the Government free from all encumbrances.

(*c*) No land shall be acquired under this sub-section except in the following circumstances, namely :—

(i) where any works have, during the period specified in the agreement executed under sub-section (1) of section 79, been constructed on, in or over, the lands wholly or partially at the expense of the joint farming society and the Government decide that the value of or the right to use such works should be secured or preserved for the purposes of the joint farming society; or

(ii) where the lands to be acquired could not, in the opinion of the Government, be severed from the other lands which are cultivated in the manner specified in clause (2) of section 75 without detriment to the other lands cultivated as aforesaid.

(3) (*a*) Where any lands acquired under sub-section (2) are transferred to a joint farming society and such joint farming society proposes to sell or otherwise transfer any such land or portion thereof or in the event of the joint farming society being ordered to be wound up, the liquidator appointed under section 86, proposes to sell or otherwise transfer any such land or portion thereof, the person who immediately before the acquisition of such land or portion under sub-section (2) was the owner thereof (hereinafter in this sub-section referred to as " the previous owner " which expression shall include his successors in interest) shall have the right to acquire such land or portion in preference to all other persons.

(*b*) The joint farming society or the liquidator, as the case may be, proposing to sell the land or portion thereof shall give notice to the previous owner of the price at which the joint farming society or the liquidator is willing to sell it.

[28th August 1961

(c) The previous owner to whom a notice is given under clause (b) shall lose the right under clause (a), unless within three months from the date of the receipt by him of such notice he pays or tenders the price specified in such notice to the joint farming society or the liquidator, as the case may be.

82. *Principles and method of determining compensation for lands acquired under section* 81.—(1) Where any lands are acquired under sub-section (2) of section 81, there shall be paid compensation, the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Government shall appoint as arbitrator a judicial officer not below the rank of Subordinate Judge;

(c) the Government may, in any particular case, nominate a person having expert knowledge as to the nature of the lands acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose;

(d) at the commencement of the proceedings before the arbitrator, the Government and the person to be compensated shall state what in their respective opinion is a fair amount of compensation;

(e) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid; and in making the award, he shall have regard to the circumstances of each case and the provisions of sub-section (2), so far as they are applicable;

(f) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons;

(g) nothing in the Arbitration Act, 1940 (Central Act X of 1940), shall apply to arbitrations under this section.

(2) The amount of compensation payable for the acquisition of lands under sub-section (1) shall be—

(a) (i) the price which the lands would have fetched in the open market if they had been sold on the date of acquisition after deducting from such price the value of the works constructed on, in or over, the lands by the joint farming society; or

28th August 1961]

(ii) twice the price which the lands would have fetched in the open market if they had been sold on the date on which the lands were pooled in the manner set out in clause (2) of section 75,

whichever is less; and

(*b*) such sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following matters, namely :—

(i) expenses on account of vacating the lands; and

(ii) any other matter which may be relevant to the circumstances of the case.

83. *Payment of compensation.*—The amount of compensation payable under an award shall, subject to the rules, be paid by the competent authority to the person or persons entitled thereto in such manner and within such time as may be specified in the award.

84. *Restriction on the acquisition of land under the Land Acquisition Act*, 1894, *for joint farming societies.*—Notwithstanding anything contained in the Land Acquisition Act, 1894 (Central Act I of 1894), no land shall be acquired under that Act for the purpose of a joint farming society if the extent of the land to be so acquired exceeds ten per cent of the total extent of the lands pooled by its members :

Provided that no land shall be acquired as aforesaid unless the purpose of a joint farming society for which it is so acquired is a purpose specified in the rules made in this behalf.

CHAPTER XI.

WINDING UP AND CANCELLATION OF REGISTRATION OF REGISTERED SOCIETIES.

85. *Winding up of registered societies.*—(1) If the Registrar, after an inquiry has been held under section 65 or an inspection has been made under section 66 or section 67, or on receipt of an application made by not less than three-fourths of the members of a registered society, is of opinion that the society ought to be wound up, he may, after giving the society an opportunity of making its representations, by order in writing direct it to be wound up. A copy of the order shall forthwith be communicated to the society by registered post.

(2) The Registrar may, by order in writing, direct the winding up of a registered society—

(*a*) where it is a condition of the registration of the society that the society shall consist of at least ten members and the number of members has been reduced to less than ten; or

(*b*) where the society has not commenced working within the prescribed period or has ceased to work.

86. *Liquidator.*—(1) Where the Registrar has made an order under section 85 for the winding up of a registered society, he may appoint a liquidator for the purpose and fix his remuneration.

(2) A liquidator shall, on appointment, take into his custody or under his control all the property, effects and actionable claims to which the society is or appears to be entitled and shall take such steps as he may deem necessary or expedient, to prevent loss or deterioration of, or damage to, such property, effects and claims.

(3) Where an appeal is preferred under clause (*a*) of sub-section (2) of section 96, an order of winding up of a registered society made under sub-section (1) of section 85 shall not operate thereafter until the order is confirmed in appeal :

Provided that the liquidator shall continue to have custody or control of the property, effects and actionable claims mentioned in sub-section (2) and have authority to take the steps referred to in that sub-section.

(4) Where an order of winding up of a registered society is set aside in appeal, the property, effects and actionable claims of the society shall revest in the society.

87. *Powers of liquidator.*—(1) Subject to any rules made in this behalf the whole of the assets of a registered society in respect of which an order for winding up has been made, shall vest in the liquidator appointed under section 86 from the date on which the order takes effect and the liquidator shall have power to realize such assets by sale or otherwise.

(2) Subject to the control of the Registrar such liquidator shall also have power—

(*a*) to institute and defend suits and other legal proceedings on behalf of the registered society by his name of office;

(*b*) to determine from time to time the contribution (including debts due) to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society;

(*c*) to investigate all claims against the registered society, and, subject to the provisions of this Act, to decide questions of priority arising between claimants;

(*d*) to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in

28th August 1961]

the custody of the society by the same means and so far as may be in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908);

(e) subject to any rules made in this behalf, to pay claims against the registered society including interest up to the date of winding up according to their respective priorities, if any, in full or rateably, as the assets of the society may permit; to apply the surplus, if any, remaining after payment of the claims for the payment of interest from the date of such order of winding up at a rate fixed by him but not exceeding the contract rate in any case;

(f) to determine by what persons and in what proportions the costs of the liquidation are to be borne;

(g) to determine whether any person is a member, past member or nominee of deceased member;

(h) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;

(i) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same;

(j) with the previous approval of the prescribed authority, to make any compromise or arrangement with creditors or persons having any claim, present or future, whereby the society may be rendered liable; and

(k) with the previous approval of the prescribed authority, to compromise all calls or liabilities to any calls and debts and liabilities capable of resulting in debts and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and alleged contributory or other debtor or a contributory or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt or claim and give a complete discharge in respect thereof.

(3) Any sum ordered under this section to be recovered as a contribution to the assets of a registered society or as costs of liquidation may be recovered, on a requisition being made in this behalf by the Registrar to the Collector in the same manner as arrears of land revenue.

(4) Save as provided in sub-section (3), orders made under this section shall, on application, be enforced by any civil court having local jurisdiction in the same manner as a decree of such court.

(5) When the affairs of a registered society have been wound up, the liquidator shall make a report to the Registrar and deposit the records of the society in such place as the Registrar may direct.

[28th August 1961

88. *Cancellation of registration.*—Where the affairs of a registered society have been completely wound up, the Registrar shall make an order cancelling the registration of the society. On the cancellation of its registration the society shall cease to exist as a corporate body from the date of such order of cancellation.

89. *Bar of legal proceedings.*—Save in so far as is expressly provided in this Act, no civil court shall take cognizance of any matter connected with the winding up or cancellation of the registration of a registered society under this Act, and when a liquidator has been appointed, no suit or other legal proceeding shall lie or be proceeded with against the liquidator as such or against the society or any member thereof on any matter touching the affairs of the registered society, except by leave of the Registrar and subject to such terms as he may impose.

90. *Restoration of society ordered to be wound up.*—Where, in the opinion of the Registrar, a registered society which has been ordered to be wound up may be restored to a committee constituted in accordance with the provisions of this Act, the rules and the by-laws, he may, at any time, before the affairs of the society have been completely wound up, cancel or withdraw the order of winding up and direct the liquidator to constitute a committee in accordance with the provisions of this Act, the rules and the by-laws and hand over the management of the registered society to such committee.

CHAPTER XII.

EXECUTION OF DECREES, DECISIONS, AWARDS AND ORDERS.

91. *Power of the Registrar to recover certain sums by attachment and sale of property.*—The Registrar or any person subordinate to him empowered by the Registrar in this behalf may, subject to the rules and without prejudice to any other mode of recovery provided by or under this Act, recover—

(*a*) any sum due under a decree or an order of a civil court, a decision or an award of the Registrar or any person subordinate to and empowered by the Registrar or, arbitrator or, arbitrators or an order of the Registrar; or

(*b*) any sum due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to the Government including any costs awarded to the Government in any proceedings under this Act; or

(*c*) any sum ordered to be paid towards the expenses of a general meeting of a registered society called under sub-section (4) of section 26 or sub-clause (ii) of clause (*d*) of sub-section (2) of section 65; or

28th August 1961]

(*d*) any sum awarded by way of costs under section 68 to a registered society including a financing bank; or

(*e*) any sum ordered under section 87 to be recovered as a contribution to the assets of a registered society or as costs of liquidation; or

(*f*) any sum ordered under section 71 to be repaid to a registered society or recovered as a contribution to its assets,

together with the interest, if any, due on such sum and the costs of process by the attachment and sale or by the sale without attachment of the property of the person against whom such decree, decision, award or order, has been obtained or passed.

92. *Recovery of debts.*—Notwithstanding anything contained in this Act or in any other law for the time being in force and without prejudice to any other mode of recovery which is being taken or may be taken, the Registrar or any person subordinate to him empowered by the Registrar in this behalf, may, subject to the rules and on application from a registered society for the purpose, recover any debt of outstanding demand due to the society by any member or past or deceased member, by sale of the property or interest in property which is subject to a charge under sub-section (1) of section 32 :

Provided that no sale shall be ordered under this section unless the member or past member or the nominee, heir or legal representative of the deceased member has been served, in the manner prescribed, with a notice of the application to sell and has failed to pay the debt or outstanding demand within seven days from the date of such service.

93. *Registrar or person empowered by him to be a civil court for certain purposes.*—The Registrar or any person empowered by him in that behalf shall be deemed, when exercising any power under this Act for the recovery of any amount by the attachment and sale or by the sale without attachment of any property, or when passing any orders on any application made to him for such recovery or to take some step in aid of such recovery, to be a civil court for the purposes of Article 182 of the First Schedule to the Indian Limitation Act, 1908 (Central Act IX of 1908).

94. *Recovery of sums due to Government.*—(1) All sums due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to the Government including any costs awarded to the Government in any proceeding under this Act may be recovered in the same manner as arrears of land revenue.

(2) Sums due from a registered society to the Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the registered society, secondly,

[28th August 1961

in the case of a society the liability of the members of which is limited, from the members, past members or the estates of deceased members subject to the limit of their liability and, thirdly, in the case of other societies, from the members, past members or the estates of deceased members.

Provided that the liability of past members and of the estates of deceased members shall in all cases be subject to the provisions of section 25.

CHAPTER XIII.

Appeals, Revision and Review.

95. *Co-operative Tribunal.*—(1) The Government may constitute as many Tribunals as may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

(3) Each Tribunal shall have such jurisdiction and over such area, as the Government may, by notification from time to time, determine.

96. *Appeals.*—(1) Any person aggrieved by—

(*a*) any decision passed or order made under sub-section (1) of section 71, sub-section (2), sub-section (3) or sub-section (4) of section 73, section 91 or section 108; or

(*b*) any award of an arbitrator or arbitrators under sub-section (2) or sub-section (3) of section 73; or

(*c*) any award of an arbitrator under section 82; may appeal to the Tribunal:

Provided that nothing contained in clause (*a*) or clause (*b*) of this sub-section shall apply to—

(i) any decision, order or award under sub-section (2), sub-section (3) or sub-section (4) of section 73 in respect of any matter relating to or in connection with, the constitution of a committee including any election thereto; or

(ii) any order of transfer, reference, withdrawal or retransfer of a dispute under sub-section (2) or sub-section (3) of section 73.

(2) (*a*) Any person aggrieved by any decision under section 7, refusal to register a society under section 9 or amendment of the by-laws under section 11, registration of amendment of the by-laws under sub-section (2) of section 12, approval of or refusal to approve the removal of a member under the proviso to clause (*a*) of sub-section (2) of section 17,

28th August 1961]

approval of or refusal to approve expulsion of a member under sub-section (2) of section 20, decision under sub-section (6) of section 28 or order under sub-section (1) of section 72 or section 85 may appeal, if such decision, refusal, registration, approval or order is that of—

(i) the Registrar of Co-operative Societies for the State of Madras, to the Government; or

(ii) any other person, to the Registrar aforesaid.

Explanation.—For the purposes of this clause "person aggrieved" means in relation to section 11 or section 12, the registered society.

(*b*) Any person, who is refused admission to a registered society under clause (*b*) of sub-section (2) of section 1[illegible] or who is aggrieved by any order of the liquidator under section 87, may appeal to the Registrar.

(3) Any appeal under sub-section (1) or sub-section (2) shall, subject to the other provisions of this Act, be preferred within two months from the date of the decision, order, award refusal, registration or approval complained of, but the appellate authority may admit an appeal preferred after the said period of two months if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(4) In disposing of an appeal under this section, the appellate authority may, after giving the parties an opportunity of making their representations, pass such order thereon as the appellate authority may deem fit.

(5) The decision or order of the appellate authority on appeal shall be final.

(6) The appellate authority may pass such interlocutory orders pending the decision on the appeal as the appellate authority may deem fit.

(7) The appellate authority may award costs in any proceedings before the appellate authority to be paid either out of the funds of the registered society or by such party to the appeal as the appellate authority may deem fit.

97. *Revision*.—(1) The Registrar may of his own motion or on application call for and examine the record of any officer subordinate to him and the Government may of their own motion or on application call for and examine the record of the Registrar, in respect of any proceeding not being a proceeding in respect of which an appeal to the Tribunal is provided by sub-section (1) of section 96 to satisfy himself or themselves as to the regularity of such proceeding, or the correctness, legality or propriety of any decision passed or order made therein; and, if, in any case, it appears to the

[28th August 1961

Registrar or the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly :

Provided that every application to the Registrar or the Government for the exercise of the powers under this section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representations.

(3) The Registrar or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or their power under sub-section (1) in respect thereof.

(4) The Registrar or the Government may award costs in proceedings under this section to be paid either out of the funds of the society or by such party to the application for revision as the Registrar or the Government may deem fit.

98. *Review.*—(1) The appellant or the applicant for revision or the respondent may apply for the review of any order passed under section 96 or section 97 on the basis of the discovery of new and important facts which, after the exercise of due diligence, were not then within his knowledge or could not be produced by him when the order was made, or on the basis of some mistake or error apparent on the face of the record or for any other sufficient reason :

Provided that no application for review shall be preferred more than once in respect of the same order.

(2) Every application for review shall be preferred within such time and in such manner as may be prescribed.

(3) The decision or order passed on the application in review shall be final.

(4) The authority competent to pass orders on an application for review may pass such interlocutory orders pending the decision on the application for review as that authority may deem fit.

(5) The authority referred to in sub-section (4) may award costs in any proceedings for review to be paid either out of the funds of the registered society or by such party to the application for review as it may deem fit.

99. *Execution of orders passed in appeal, revision or review.*—Any order passed by the Tribunal, the Registrar or the Government under section 96, 97 or 98 shall be enforced by such authority and in such manner as may be prescribed.

28th August 1961]

100. *Bar of jurisdiction of civil courts.*—No order or award passed, decision or action taken or direction issued under this Act by an arbitrator, a liquidator, the Registrar or an officer authorized or empowered by him, the Tribunal or the Government or any officer subordinate to them, shall be liable to be called in question in any court.

CHAPTER XIV.

OFFENCES AND PENALTIES.

101. *Punishment for furnishing false information or disobeying summons or other lawful order, requisition or direction.*—The committee of a registered society which, or an officer, employee, or a paid servant or any member of the society who, wilfully makes a false return or furnishes false information, or any person who wilfully or without any reasonable excuse, disobeys any summons, requisition or other lawful order, or direction issued under the provisions of this Act, or who wilfully withholds or fails to furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees.

102. *Punishment for acting in contravention of section 32, 33 or 77.*—Any person who acts in contravention of sub-section (2) of section 32 or fails to deposit or entrust to custody, property subject to a prior charge in favour of any registered society when required to do so by the society under sub-section (3) of that section or who acts in contravention of clause (iii) of section 33 or sub-section (3) of section 77 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees.

103. *Prohibition of the use of the word 'Co-operative' or its equivalent.*—(1) No person other than a registered society shall trade or carry on business under any name or title of which the word 'Co-operative' or its equivalent in any regional language is part without the sanction of the Government:

Provided that nothing in this sub-section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which the Co-operative Societies Act, 1912 (Central Act II of 1912) came into operation.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees and in the case of a continuing offence with further fine of fifty rupees for each day on which the offence is continued after conviction therefor.

[28th August 1961

101. *Punishment for failure to give effect to decision or award in references.*—The committee of any registered society or an officer or an employee or a paid servant thereof who fails to give effect to any decision or award under section 73 or where an appeal against such decision or award has been filed, to the order passed by the appropriate appellate authority, such decision or award or order not being a money decree, shall be punishable with fine which may extend to five hundred rupees.

105. *Punishment for offences not otherwise provided for.*—Any registered society or any officer or member thereof or any other person guilty of an offence under this Act for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

106. *Cognizance of offences.*—(1) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

(2) Every offence under this Act shall, for the purpose of the Code of Criminal Procedure, 1898 (Central Act V of 1898), be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Act without the previous sanction of the Registrar.

107. *Delivery of possession of records and properties of a registered society.*—(1) Where the committee of a registered society is reconstituted at a general meeting of the society, or is superseded by the Registrar and a special officer or managing committee is appointed under section 72 or where the society is ordered to be wound up and a liquidator is appointed under section 86 and such reconstituted committee, special officer, managing committee or liquidator is resisted in or prevented from, obtaining possession of the books, accounts, documents, securities, cash and other properties, whether movable or immovable, of the society (hereinafter in this section referred to as the records and properties of the society) by the committee which has been reconstituted or superseded or by the society which has been ordered to be wound up or by any person who is not entitled to be in possession of the records and properties of the society, any presidency magistrate or any magistrate of the first-class in whose jurisdiction the office of the society or the records and properties of that society is or are situated shall, on application by the reconstituted committee, special officer, managing committee or liquidator and on production of a certificate from the Registrar in the prescribed form setting forth that the committee of the society has been reconstituted or superseded or that the society has been ordered to be wound up and that a special officer or managing committee or liquidator has been appointed as aforesaid direct delivery to the reconstituted committee, special officer, managing committee or liquidator of the possession of the records and properties of the society.

28th August 1961]

(2) No certificate shall be issued by the Registrar under sub-section (1) without making such inquiry as he deems necessary.

(3) For the purpose of the proceedings under sub-section (1), the certificate aforesaid shall be conclusive evidence that the records and properties to which it relates belong to the registered society.

(4) The presidency magistrate or the magistrate of the first-class referred to in sub-section (1) may, pending disposal of an application for directing delivery to the reconstituted committee, special officer, managing committee or liquidator of the possession of the records and properties of the society mentioned in the certificate by the Registrar, appoint a Receiver to take possession of such records and properties or such portion thereof as may be necessary. The remuneration, if any, paid to the Receiver and other expenses incurred by him shall be paid out of the funds of the registered society concerned.

CHAPTER XV.

MISCELLANEOUS.

108. *Attachment of property.*—Where the Registrar is satisfied on the application of a registered society in respect of a reference made to him under sub-section (1) of section 73 or on the application of a liquidator appointed under section 86 in respect of the proceedings of such liquidator for determining the contribution to be made by a person to the assets of the society under clause (*b*) of sub-section (2) of section 87 or on the application of the committee or liquidator or any creditor to the society or otherwise in respect of any inquiry ordered into the conduct of any person under section 71 that any party to the reference or the person, as the case may be, is about to dispose of or remove from the local limits of the jurisdiction of the Registrar the whole or any part of his property with intent to defeat or delay the execution of any decision that may be passed on the reference or of any order that may be passed against him by the liquidator or the Registrar, as the case may be, the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court.

109. *Power to exempt societies from conditions as to registration.*—Notwithstanding anything contained in this Act, the Government may, by special order in each case and subject to such conditions, if any, as they may impose, exempt any society from any of the requirements of this Act as to registration.

[28th August 1961

110. *Exemption of self-reliant societies.*—Nothing contained in section 19, or the second proviso to sub-section (1) or sub-section (2) of section 27 shall apply to any self-reliant society or class of self-reliant societies which complies with such conditions as the Government may, by general or special order, specify.

111. *Power to exempt registered societies.*—Without prejudice to the power conferred by section 110, the Government may, by general or special order, exempt any registered society from any of the provisions of this Act or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

112. *Arbitrator in fixing compensation for lands acquired and the Tribunal to be civil courts.*—The arbitrator appointed under clause (b) of sub-section (1) of section 82 and the Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.

113. *Delegation of powers of Government.*—(1) The Government may, by notification, authorize any authority or officer to exercise any of the powers vested in them by this Act except the power to make rules and may in like manner withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such officer as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any officer so empowered.

114. *Saving of existing societies.*—(1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904 (Central Act X of 1904), or under the Co-operative Societies Act, 1912 (Central Act II of 1912), or under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), shall be deemed to be registered under this Act, and its by-laws, shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) Every society which has been registered under the law applicable to co-operative societies in the areas which formerly formed part of the State of Pudukkottai or in the Kanyakumari district or the Shencottah taluk of the Tirunelveli district or in the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959) shall, if the Registrar, by an order in writing, so declares, be deemed to be registered under this Act and its by-laws shall continue in force until they are altered or rescinded.

28th August 1961]

(3) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the Acts mentioned in sub-section (1) shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

115. *Acts of societies, etc., not to be invalidated by certain defects.*—No act of a registered society or any committee or of any officer of the society shall be deemed to be invalid merely on the ground—

(*a*) of any vacancy or defect in the organization of the society or the formation of the general body or the constitution of the representative general body or of the committees;

(*b*) of any defect or irregularity in the election or appointment of a member of the committee or an officer of the society or of any disqualification of such member or officer; or

(*c*) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

116. *Companies Act, 1956, not to apply.*—The provisions of the Companies Act, 1956 (Central Act I of 1956), shall not apply to registered societies.

117. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any officer or servant of the Government for anything which is in good faith done or intended to be done under this Act or any rule or by-law made thereunder.

118. *Construction of references to Co-operative Societies Acts in enactments.*—All references to the Co-operative Societies Act, 1912 (Central Act II of 1912) or the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932) or the Travancore-Cochin Co-operative Societies Act, 1951 (Travancore-Cochin Act X of 1952), occurring in any enactment made by any authority in India and for the time being in force in the State of Madras shall, in its application to the said State, be construed as references to this Act.

119. *Power to make rules.*—(1) The Government may, for the whole or any part of the State of Madras and for any registered society or class of such societies, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

[28th August 1961

(b) subject to the provisions of section 5, prescribe the procedure to be followed when societies change their form of liability;

(c) prescribe the matters in respect of which a society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws, and the conditions to be satisfied prior to such making, alteration or abrogation;

(d) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members;

(e) provide for the payment to be made and the interests to be acquired before the exercise of the right of membership;

(f) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;

(g) prescribe in the case of a financing bank (i) the proportion of individual members to society members in the constitution of its general body or its committee, and (ii) the maximum number of members of its committee;

(h) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(i) provide for the appointment, suspension and removal of the members of the committee and other officers (not being a paid officer) and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the committee and other officers;

(j) prohibit a society from appointing a defaulting member of any society to its committee or to the committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote;

(k) prescribe the accounts and books to be kept and maintained by a society;

(l) provide for the periodical publication of a balance-sheet showing the assets and liabilities of a society;

(m) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted, and in case of failure to submit any such return, for the levy of the expenses of preparing it;

(n) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies;

28th August 1961]

(*o*) provide for the formation and maintenance of a register of members and, where the liability of the members is limited by shares, of a register of shares;

(*p*) provide for—

(i) the appointment of an arbitrator or arbitrators to decide disputes;

(ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute, who is a minor or who by reason of unsoundness of mind or mental infirmity is incapable of protecting his interests;

(iii) the levy of the expenses incidental to such proceedings; and

(iv) the enforcement of the decisions or awards in such proceedings;

(*q*) provide for the withdrawal of members and for the payments, if any, to be made to members who withdraw and for the liabilities of past members or the estates of deceased members;

(*r*) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members;

(*s*) provide for the mode in which the value of a deceased member's interest shall be ascertained and for the nomination of a person to whom such interest may be paid or transferred;

(*t*) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the periods for which loans may be made and the amount which may be lent, to an individual member;

(*u*) provide for the formation and maintenance of reserve funds and the objects to which such funds may be applied and for the investment of any funds under the control of a society;

(*v*) prescribe the extent to which a society may limit the number of its members;

(*w*) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;

(*x*) prescribe the procedure to be followed by a liquidator appointed under section 86 and provide for the disposal of the surplus assets, if any, of the society;

(*y*) prescribe the procedure to be followed in presenting and disposing of all appeals and applications for revision and review under this Act and the fees to be paid in respect of such appeals and applications;

[28th August 1961

(*z*) prescribe the period for which and the terms under which aid may be given by the Government to societies and the terms under which the Government may guarantee the payment of interest on debentures issued or deposits received by societies;

(*aa*) provide for the custody of property attached under this Act;

(*bb*) provide for the issue and service of processes and for proof of service thereof;

(*cc*) provides for the levy of fees for granting certified copies of documents in the Registrar's office;

(*dd*) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or any person empowered by him;

(*ee*) provide for the recovery of costs awarded against the Government in cases under section 71;

(*ff*) prescribe the procedure for the attachment and sale of property under section 91;

(*gg*) prescribe the procedure and the disposal of the business of the Tribunal; and

(*hh*) provide for all matters expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

120. *Power of Government to give directions.*—(1) The Government may, by order, direct the Registrar to make an inquiry or to take appropriate proceedings under this Act in any case specified in the order; and the Registrar shall report to the Government in due course the result of the inquiry made or the proceedings taken by him.

(2) In any case, in which a direction has been given under sub-section (1), the Government may, notwithstanding anything contained in this Act, call for and examine the

28th August 1961]

record of the proceedings of the Registrar and pass such orders in the case as they may think fit :

Provided that before passing any order under this sub-section, the person likely to be affected by such order shall be given an opportunity of making his representations.

121. *Repeals and savings.*—(1) The Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), except so much of section 30 thereof as relates to the powers of the Central Government, and any law corresponding to this Act in force in the added territory or in the transferred territory immediately before the commencement of this Act including the Travancore-Cochin Co-operative Societies Act, 1951 (Travancore-Cochin Act X of 1952) (hereinafter in this section referred to as the corresponding law), shall stand repealed on such commencement.

(2) The repeal by sub-section (1) of the corresponding law shall not affect—

(i) the previous operation of the corresponding law or anything done or duly suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Subject to the provisions of sub-section (2) anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, or any rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

(4) For the purpose of facilitating the application of this Act in the added territory or the transferred territory, any court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

TRUTH ALONE TRIUMPHS

[28th August 1961

(5) Any reference to the corresponding law in any law which continues to be in force in the added territory or the transferred territory after the commencement of this Act shall, in relation to that territory, be construed as a reference to this Act.

Explanation.—For the purpose of this section, the expression "added territory" shall mean the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), and the expression "transferred territory" shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

122. *Power to remove difficulties*.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do any thing which appears to them to be necessary for the purpose of removing the difficulty.

(2) Every order made under sub-section (1) shall, as soon as possible, after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session both Houses agree in making any modification in any such order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Certify that this is a Mony Bill.

B. BHAKTHAVATSALU NAIDU,
Deputy Speaker.

Fort St. George, Madras,
24th August 1961.

